BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of

KE AKUA TRUCKING LLC

For a Motor Carrier Certificate or Permit.

DOCKET NO. 2008-0333

ORDER VACATING DECISION AND ORDER FILED ON APRIL 23, 2009

2009 DEC 22 P 12:22
PUBLIC UTILITIES COMMISSION
Filed
ORDER VACATING DECISION AND ORDER FILED ON APRIL 23, 2009

By this Order, the commission vacates the Decision and Order filed on April 23, 2009, and closes this docket.

I. Application for Common Carrier Authority

By Decision and Order filed on April 23, 2009, the commission approved the application of KE AKUA TRUCKING LLC ("Applicant") for a certificate of public convenience and necessity to operate as a common carrier of property by motor vehicle over irregular routes on the island of Oahu in the dump truck classification. We also: (1) ordered Applicant, as a condition to our approval of the application, to comply with all commission requirements for common carriers, including submitting certain documents within one hundred and twenty (120) days of the issuance of the Decision and Order; and (2) notified Applicant that failure to timely comply with the commission's requirements would constitute cause for the commission to vacate the Decision and Order. We served Applicant with a copy of the Decision and
Order by mail, postage prepaid, on the same day that the Decision and Order was issued, in accordance with Hawaii Administrative Rules §§ 6-61-21 and 6-61-122.

On August 19, 2009, Applicant filed a request for an extension of time to comply with the Decision and Order. A ninety (90)-day extension of time was approved on August 24, 2009, which allowed Applicant until November 23, 2009 to comply.

II.
Findings and Conclusions

The extended due date has passed, and Applicant has not complied with the requirements set forth in the Decision and Order filed on April 23, 2009. The commission, thus, determines that the Decision and Order filed on April 23, 2009, should be vacated.

III.
Order

THE COMMISSION ORDERS:

The Decision and Order filed on April 23, 2009, is vacated and this docket is closed unless otherwise ordered by the commission.
DONE at Honolulu, Hawaii  DEC 22 2009

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By Carlito P. Caliboso, Chairman

By John E. Cole, Commissioner

By Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:

Stacey Kawasaki Djou
Commission Counsel

2008-0333.cp
CERTIFICATE OF SERVICE

The foregoing order was served on the date of filing by mail, postage prepaid, and properly addressed to the following parties:

DEAN NISHINA
EXECUTIVE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
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Honolulu, HI 96809

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