

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

----- In the Matter of ----- )  
 )  
MATSUYAMA BROTHERS TRUCKING, INC. )  
 )  
Notice of Failure to Comply )  
With Hawaii Revised Statutes )  
and Commission's Regulations; )  
Order to Show Cause Why )  
Respondent's Operating )  
Authority Should Not Be )  
Suspended or Revoked. )  
\_\_\_\_\_ )

DOCKET NO. 2008-0198

DIV. OF CONSUMER ADVOCACY  
DEPT. OF COMMERCE AND  
CONSUMER AFFAIRS  
STATE OF HAWAII

2008 OCT -9 A 8:31

RECEIVED

NOTICE OF VIOLATION, ORDER TO SHOW CAUSE, AND NOTICE OF HEARING

PUBLIC UTILITIES  
COMMISSION

2008 OCT -8 A 11:00

FILED

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

----- In the Matter of -----) )  
MATSUYAMA BROTHERS TRUCKING, INC. ) Docket No. 2008-0198 )  
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\_\_\_\_\_ )

NOTICE OF VIOLATION, ORDER TO SHOW CAUSE, AND NOTICE OF HEARING

MATSUYAMA BROTHERS TRUCKING, INC. ("Respondent") is the holder of a certificate of public convenience and necessity ("Certificate"), issued pursuant to Hawaii Revised Statutes ("HRS") § 271-12. Under Certificate No. 5110, Respondent is authorized to transport property by motor vehicle over irregular routes on the island of Hawaii in the dump truck and specific commodities (heavy equipment and machinery) classifications.

HRS § 271-25 and Hawaii Administrative Rules ("HAR") § 6-62-42(a) require Respondent to file an annual financial report ("AFR"). HRS § 271-36 and HAR § 6-62-24(a) require Respondent to pay an annual motor carrier gross revenue fee ("Fee"). Respondent failed to file an AFR and pay the Fee for 2007.

On April 4, 2008, Respondent was issued Citation No. 1156, with an accompanying civil penalty of \$1,000.00. Since Respondent did not pay the citation within fifteen (15) days of

receipt of the citation or request a contested hearing on the citation within twenty (20) days of receipt of the citation, the citation was deemed to be a final order of the commission, pursuant to Hawaii Administrative Rules ("HAR") § 6-68-21(f)(1). The commission sent bills for collection to Respondent on May 6, 2008 and May 28, 2008, requesting payment of the penalty. Respondent has not complied with the commission's order in that it has failed to pay the penalty imposed by the commission.

HRS § 271-19 and HAR § 6-68-32(b) authorize the commission, after notice and hearing, to suspend or revoke any Certificate, in part or in whole, if the commission finds that the holder violated any provision of HRS chapter 271. Accordingly, the commission may suspend or revoke Respondent's Certificate for failure to comply with the legal requirements set forth above, unless Respondent is able to show cause why such suspension or revocation should not occur.

THE COMMISSION ORDERS:

1. Respondent shall appear at 465 South King Street, Room B-3, Honolulu, Hawaii 96813, at 9:00 a.m., on November 19, 2008, to show cause why Respondent's Certificate should not be suspended or revoked for failure to comply with the legal requirements set forth in this order.

2. Respondent may be represented by counsel. If Respondent does not retain counsel, Respondent may be represented at the hearing as follows: (a) an individual may appear on his or her own behalf; (b) a partner may represent a partnership; and

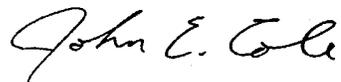
(c) an officer or authorized employee of a corporation, trust, or association may represent the corporation, trust, or association.

3. If Respondent fails to appear at the scheduled hearing, Respondent's Certificate shall be suspended or revoked.

DONE at Honolulu, Hawaii OCT - 8 2008.

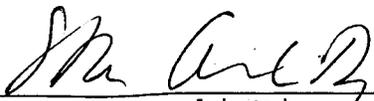
PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By:   
Carlito P. Caliboso, Chairman

By:   
John E. Cole, Commissioner

By:   
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:

  
Stacey Kawasaki Djou  
Commission Counsel  
2008-0198.ac

CERTIFICATE OF SERVICE

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

CATHERINE P. AWAKUNI  
EXECUTIVE DIRECTOR  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
DIVISION OF CONSUMER ADVOCACY  
P. O. Box 541  
Honolulu, HI 96809

MATSUYAMA BROTHERS TRUCKING, INC.  
73-4156 Hulikoa Drive  
Kailua-Kona, HI 96740  
(CM #7006 3450 0000 6241 1238)