

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
)
DERECK SCOTT BRADLEY, dba)
D.S. BRADLEY TRUCKING CO.)
)
To Sell, Lease, Assign, Mortgage or)
Otherwise Dispose of, or Encumber)
The Whole or Any Part of Its)
Property, Certificate, or Permit.)
_____)

DOCKET NO. 01-0408

DECISION AND ORDER NO. 19421

BY: OF CONSUMER ADVOCACY
DEPT. OF COMMERCE AND
CONSUMER AFFAIRS
STATE OF HAWAII

2002 JUN 20 P 2:21

RECEIVED

Filed June 20, 2002
At 8:00 o'clock A .M.

Karen Higashi
Chief Clerk of the Commission

ATTEST: A True Copy
KAREN HIGASHI
Chief Clerk, Public Utilities
Commission, State of Hawaii.

K. Higashi

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Docket No. 01-0408

Decision and Order No. 19421

DECISION AND ORDER

I.

On September 28, 2001, DERECK SCOTT BRADLEY, dba D.S. BRADLEY TRUCKING CO. (Transferor), filed an application seeking commission approval to transfer certificate of public convenience and necessity number 2101-C (Certificate No. 2101-C) to MKD ENTERPRISES, INC. (Transferee) pursuant to Hawaii Revised Statutes (HRS) § 271-18. Under Certificate No. 2101-C, Transferor is authorized to operate as a common carrier of property by motor vehicle over irregular routes on the island of Oahu in the dump truck classification. Transferee is currently authorized under certificate of public and convenience and necessity number 2086-C (Certificate No. 2086-C) to transport property by motor vehicle over irregular routes on the island of Oahu in the general commodities classification.

Transferor served copies of the application on the Hawaii Transportation Association, which consists of carriers that may be affected by the proposed transfer, and on the Division of

Consumer Advocacy, Department of Commerce and Consumer Affairs (Consumer Advocate). By a statement filed on April 12, 2002, the Consumer Advocate indicated that it will not participate in this proceeding. No persons moved to intervene in this docket.

II.

Upon review of Transferor's application, the commission finds that Transferee is fit, willing, and able to perform the services presently performed by Transferor, and that the proposed transfer of Certificate No. 2101-C is just and reasonable and will be consistent with the public interest. Accordingly, the commission concludes that the proposed transfer is in accordance with HRS § 271-18, and should, therefore, be approved.

III.

THE COMMISSION ORDERS:

1. Transferor's application to transfer Certificate No. 2101-C to Transferee is approved.

2. Transferee is authorized to transport property by motor vehicle in the general commodities and dump truck classifications over irregular routes on the island of Oahu.

3. Transferee shall surrender Certificate No. 2086-C and an amended certificate reflecting the authority granted by this decision and order shall be issued to Transferee.

4. Transferee shall comply with all of the commission's requirements for common carriers by motor vehicle including, but not limited to, filing a lawful tariff, registering and marking the appropriate motor vehicles, and complying with the safety

requirements of the Motor Vehicle Safety Office, Department of Transportation, State of Hawaii.

5. Transferor shall file an annual financial report for its operations covering the period from January 1, 2002, to the date of this decision and order. Transferor shall also pay the appropriate motor carrier gross revenue fee for the period January 1, 2002, to the date of this decision and order.

6. Transferor and Transferee shall comply with the requirements set forth in this decision and order within 120 days after service of this decision and order. Failure to comply within the time specified constitutes cause for the commission to void this decision and order.

7. Transferee shall not commence operations under this decision and order until it has received written confirmation from the commission that all requirements have been met.

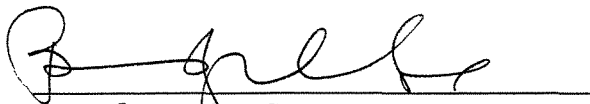
DONE at Honolulu, Hawaii this 20th day of June, 2002.

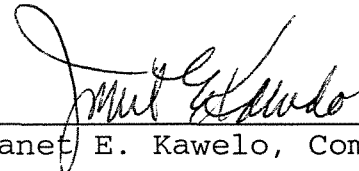
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Dennis R. Yamada, Chairman

By (EXCUSED)
Wayne H. Kimura, Commissioner

APPROVED AS TO FORM:


Benedyne S. Stone
Commission Counsel

By 
Janet E. Kawelo, Commissioner

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No.19421 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

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

DERECK SCOTT BRADLEY, dba
D.S. BRADLEY TRUCKING CO.
85-340 Alohiki Street
Waianae, HI 96792

DONNA JEAN C. BRADLEY, VICE PRESIDENT
MKD ENTERPRISES, INC.
84-946A Hanalei Street
Waianae, HI 96792



Catherine Sakato

DATED: June 20, 2002