

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Request of)	
)	
HIEU MINH LE)	Docket No. 01-0454
)	
To Reactivate Motor Carrier)	
Certificate No. 1715-C)	
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In the Matter of the Application of))	
)	Docket No. 02-0155
HIEU MINH LE)	
)	(CONSOLIDATED)
To Amend Motor Carrier Certificate)	
No. 1715-C)	Decision and Order No. 19550
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DECISION AND ORDER

I.

By Order No. 19090, filed on November 30, 2001, in Docket No. 01-0454, certificate of public convenience and necessity no. 1715-C (Certificate No. 1715-C) held by HIEU MINH LE (Petitioner) was placed on inactive status until November 30, 2002. By letter filed on August 9, 2002, Petitioner requests reactivation of Certificate No. 1715-C.

By an application filed on June 18, 2002, in Docket No. 02-0155, Petitioner also seeks commission approval to amend his authority under Certificate No. 1715-C by (1) removing the 8-to-25 passenger classification, and (2) adding the 1-to-7 passenger classification.

II.

Hawaii Administrative Rules (HAR) § 6-61-39 provides that the commission, upon its own initiative, may consolidate two or more proceedings that involve related questions of fact or law if it finds that the consolidation will be conducive to the proper dispatch of its business and to the ends of justice and will not unduly delay the proceedings.

Upon review of the record, we find that Docket Nos. 01-0454 and 02-0155 involve related questions of fact and law. We also find that the consolidation of these proceedings will be conducive to the proper dispatch of the commission's business and the ends of justice, and will not unduly delay these proceedings.

Based on the foregoing, we conclude that Docket Nos. 01-0454 and 02-0155 should be consolidated.

III.

A.

By letter filed on November 26, 2001, Petitioner requested that Certificate No. 1715-C be placed on inactive status. By Order No. 19090, filed on November 30, 2001, Certificate No. 1715-C was placed on inactive status for one year, until November 30, 2002.

On January 17, 2002, Petitioner filed a request to reactivate his certificate. In response to Petitioner's request, the commission sent a letter, dated January 22, 2002, requesting that Petitioner submit certain documents within 30 days, i.e.,

vehicle inventory list, vehicle registration, and insurance forms, in accordance with Hawaii Revised Statutes (HRS) § 271-19, before his reactivation request would be processed. Petitioner did not submit the documents as specified in our letter, thus, the commission did not reinstate Petitioner's certificate to active status, as requested. On March 8, 2002, Petitioner filed an additional request to place Certificate No. 1715-C on inactive status. This request, however, had no effect, as Petitioner's certificate was currently on inactive status until November 30, 2002.

By letter received by the commission on August 9, 2002, Petitioner requests reactivation of Certificate No. 1715-C. Pursuant to HRS § 271-19, Petitioner may reactivate his certificate at any time prior to the expiration of the inactive period by filing a request to reactivate with the commission, and fulfilling the requirements for motor carriers including, but not limited to, filing of appropriate motor vehicle and insurance documents, and publication of a lawful tariff. Based upon our review of the record, the commission finds that there is good cause to grant Petitioner's request to reactivate Certificate No. 1715-C. Thus, we conclude that Certificate No. 1715-C should be restored to active status.

B.

Next, we will consider Petitioner's request to amend his authority. Petitioner is a common carrier of passengers by motor vehicle over irregular routes on the island of Oahu in the

8 to-25 passenger classification. By application filed on June 18, 2002, Petitioner seeks commission approval to amend his authority under Certificate No. 1715-C by (1) removing the 8-to-25 passenger classification, and (2) adding the 1-to-7 passenger classification.

Petitioner served copies of the application on the Hawaii Transportation Association and the Hawaii State Certified Common Carriers Association, Inc., which consist of carriers that may be affected by Applicant's proposed service, and on the Division of Consumer Advocacy, Department of Commerce and Consumer Affairs (Consumer Advocate). The Consumer Advocate did not participate in this proceeding, and no persons moved to intervene in this docket.

Based upon our review of the record, we find that Petitioner is fit, willing, and able to properly perform the proposed service, and to conform to HRS chapter 271 and the requirements and rules of the commission. We also find that the proposed service is required by the present and future public convenience and necessity. Accordingly, we conclude that Petitioner's request for an amendment of his authority, as set forth in his June 18, 2002 application, should be granted.

IV.

THE COMMISSION ORDERS:

1. Docket Nos. 01-0454 and 02-0155 are consolidated, pursuant to HAR § 6-61-39.
2. Certificate No. 1715-C is restored to active status.

3. Petitioner is authorized to operate as a common carrier of passengers by motor vehicle over irregular routes on the island of Oahu in the 1-to-7 passenger classification. Petitioner's authority in the 8-to-25 passenger classification shall terminate upon written notification from the commission that all requirements for the amended operating authority have been met.

4. Petitioner shall surrender Certificate No. 1715-C, and an amended certificate reflecting the operating authority granted by this decision and order shall be issued.

5. Petitioner shall comply with all of the commission's requirements for common carriers by motor vehicle including, but not limited to, filing of appropriate motor vehicle and insurance documents, publication of a lawful tariff, and complying with the safety requirements of the Motor Vehicle Safety Office, Department of Transportation, State of Hawaii.

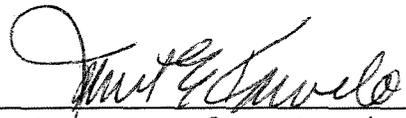
6. Petitioner shall comply with the foregoing requirements within 120 days after service of this decision and order. Failure to comply within the time specified constitutes cause for this commission to void this decision and order.

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

DONE at Honolulu, Hawaii this 3rd day of September,
2002.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Wayne H. Kimura, Chairman

By 
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:


Benedyne S. Stone
Commission Counsel

01-0454(Consolidated).eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 19550 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

HIEU MINH LE
2323 Date Street, #209
Honolulu, HI 96826



Catherine Sakato

DATED: September 3, 2002