

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
INTERNATIONAL EXPRESS INCORPORATED)
For Temporary Authority to Extend)
Certificate No. 160-C to Include)
the General Commodities)
Classification on the Island of)
Hawaii.)

DOCKET NO. 02-0235

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2002 SEP 27 P 3:33
DIV. OF CONSUMER AFFAIRS
DEPT. OF COMMERCE
CONSUMER AFFAIRS

DECISION AND ORDER NO. 19682

Filed Sept. 27, 2002
At 8:45 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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)	
INTERNATIONAL EXPRESS INCORPORATED)	Docket No. 02-0235
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Certificate No. 160-C to Include)	
the General Commodities)	
Classification on the Island of)	
Hawaii.)	
_____)	

DECISION AND ORDER

I.

INTERNATIONAL EXPRESS INCORPORATED (Applicant) is a common carrier of property by motor vehicle over irregular routes on the island of Oahu in the general commodities classification. By an application filed on August 30, 2002, Applicant seeks temporary authority to extend its authority under certificate of public convenience and necessity number 160-C (Certificate No. 160-C) to include the general commodities classification on the island of Hawaii. The application is made pursuant to Hawaii Revised Statutes (HRS) § 271-16, as amended (HRS § 271-16).

Applicant served copies of the application on the Hawaii Transportation Association, which consists 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.

II.

For a grant of temporary operating authority, pursuant to HRS § 271-16, an applicant must satisfy two conditions. First, an applicant must establish that there is "an immediate and urgent need" for the proposed service. Second, an applicant must also demonstrate "[an] absence of carrier service capable of meeting the need between points or in the territory where the temporary service will be instituted." See In re Robert's Tours & Transportation, Inc., Decision and Order No. 15274, Docket No. 96-0437 (December 23, 1996).

In support of the application, Applicant submitted letters from Hansen Foodservice and Y. Hata & Co., Ltd. In these letters, both companies represent that there is an immediate and/or urgent need to grant Applicant temporary authority, as there is no current carrier on the island of Hawaii that can provide the exceptional service, or the same level of service that Applicant can provide. Aside from these two letters, Applicant did not provide any other evidence to satisfy the two conditions set forth above. The record also indicates that there are presently 47 carriers with general commodities authority on the island of Hawaii¹. The commission is not convinced that not one of these carriers can provide exceptional service, or the same level of service that Applicant can provide. In addition, Applicant has failed to sufficiently demonstrate that there is an immediate and

¹The commission takes administrative notice of all motor carrier records kept at the commission's office.

urgent need for Applicant to initiate a transportation service in the general commodities classification on the island of Hawaii.

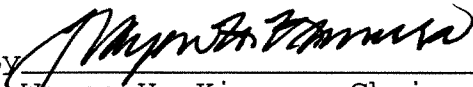
Based on the foregoing, we conclude that Applicant has not satisfied the temporary authority requirements set forth in HRS § 271-16. Accordingly, we conclude that the application for temporary authority, filed on August 30, 2002, should be denied.

III.

THE COMMISSION ORDERS that Applicant's application for temporary authority filed on August 30, 2002, is denied.

DONE at Honolulu, Hawaii this 27th day of September, 2002.

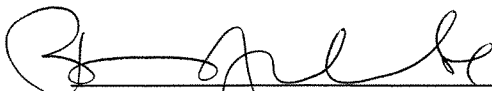
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Wayne H. Kimura, Chairman

By 
Janet E. Kawelo, Commissioner

By _____ (RECUSED)
Gregg J. Kinkley, Commissioner

APPROVED AS TO FORM:

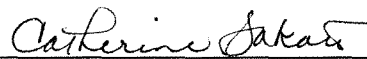

Benedyne S. Stone
Commission Counsel
02-0235.sl

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 19682 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

DAVID F. HINCHEY, CONTROLLER
INTERNATIONAL EXPRESS INCORPORATED
P. O. Box 797
Honolulu, HI 96808



Catherine Sakato

DATED: September 27, 2002