

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
)
 DAVID PAUL HARTZ, dba)
 ALOHA WATER DELIVERY)
)
 For a Moratorium on the issuance)
 Of new Certificates of Public)
 Convenience and Necessity in the)
 Specific Commodities (water hauling))
 Classification in Kau, North Kona,)
 And South Kona, on the island of)
 Hawaii.)
 _____)

DOCKET NO. 02-0234

DECISION AND ORDER NO. 20000

Filed Jan. 31, 2003
At 8:00 o'clock A.M.
Karen Higashi
Chief Clerk of the Commission

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2003 JAN 31 P 4: 21
DIV. OF CONSUMER ADVOCACY
DEPT. OF COMMERCE AND
CONSUMER AFFAIRS
STATE OF HAWAII

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

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Docket No. 02-0234

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DECISION AND ORDER

I.

By an application filed on August 29, 2002, Applicant DAVID PAUL HARTZ, dba ALOHA WATER DELIVERY¹ (Applicant), requests that the commission impose a moratorium on the issuance of new certificates of public convenience and necessity for common carriers of property in the specific commodities classification (water hauling) in the areas of Kau, North Kona, and South Kona on the island of Hawaii (hereinafter, proposed moratorium).

Applicant served copies of the application on the DIVISION OF CONSUMER ADVOCACY, DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS (Consumer Advocate). On September 13, 2002, the

¹By Decision and Order No. 15652, filed on June 23, 1997, in Docket No. 97-0088, we approved David Paul Hartz, dba Trade Wind Trucking's (nka, Aloha Water Delivery) application for permanent authority to transport water by motor vehicle on the island of Hawaii, currently operating under certificate of public convenience and necessity number 5687-C.

Consumer Advocate informed the commission that it will not be participating in this docket.

II.

Upon our review and consideration of the record, the commission finds that Applicant has failed to satisfy its burden in demonstrating the merits of the proposed moratorium, at this juncture. Specifically, we are aware of the approximately 47 carriers authorized to transport general commodities (including water hauling) on the island of Hawaii and the approximately 15 carriers authorized to transport specific commodities (water hauling) on the island of Hawaii.² However, the record is devoid of any relevant and credible evidence (i.e., charts, data and studies indicating, among other things, a declining trend in total gross revenues of these carriers and that these carriers are approaching a level that the market cannot reasonably and efficiently sustain)³ in the common carrier industry, particularly with respect to these property carriers of general commodities and specific commodities (water haulers). Specifically, we are not convinced that the suspension of our laws, rules, and procedures governing entry regulation of the above-mentioned property carriers will foster sound economic conditions consistent with the intent and policy of the motor carrier laws,

²The commission takes administrative notice of the records indicating, among other things, the amount and type of motor carriers authorized to transport property (water hauling) on the island of Hawaii.

³See Order No. 18366, filed on February 9, 2001, in Docket No. 94-0229.

Hawaii Revised Statutes chapter 271. Accordingly, we conclude that Applicant's application for the proposed moratorium should be denied, without prejudice.

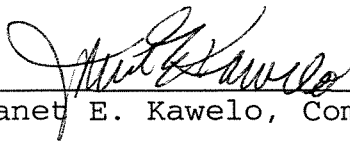
III.

THE COMMISSION ORDERS that Applicant's application, filed on August 29, 2002, requesting the commission to impose a moratorium on the issuance of new certificates of public convenience and necessity for common carriers of property in the specific commodities classification (water hauling) in the areas of Kau, North Kona, and South Kona on the island of Hawaii, is denied, without prejudice.


DONE at Honolulu, Hawaii this 31st day of January, 2003.

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

By _____ (RECUSED)
Gregg J. Kinkley, Commissioner

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 20000 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
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Karen Higashi

DATED: January 31, 2003