

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
WESTERN MOTOR TARIFF BUREAU, INC.)
On Behalf of M. Dyer & Sons, Inc.,)
To Increase its Rates and Charges.)
WMTB Rate Notice No. 4341-1-B.)
_____)

DOCKET NO. 03-0068

ORDER NO. 20088

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

2003 MAR 21 P 1:37

RECEIVED

Filed March 20, 2003
At 3:30 o'clock P .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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OF THE STATE OF HAWAII

In the Matter of the Application of)	
WESTERN MOTOR TARIFF BUREAU, INC.)	Docket No. 03-0068
On Behalf of M. Dyer & Sons, Inc.,)	Order No. 20088
To Increase its Rates and Charges.)	
WMTB Rate Notice No. 4341-1-B.)	
_____)	

ORDER

I.

By Rate Notice No. 4341-1-B, filed on February 21, 2003, WESTERN MOTOR TARIFF BUREAU, INC. (WMTB), on behalf of M. DYER & SONS, INC., independently seeks a five per cent increase in its rates and charges, as reflected in WMTB's Statewide Household Goods Tariff No. 1-B. WMTB's request is supported by cost data, attached as Exhibit III to the rate notice.

WMTB makes its request in accordance with Hawaii Revised Statutes §§ 271-20 and 271-21. The proposed effective date of its tariff changes is March 24, 2003.¹

¹By Decision and Order No. 18679, filed on July 18, 2001, in Docket No. 00-0085, the commission approved an overall weighted increase in rates of 6.46 per cent for WMTB's statewide carriers of household goods. WMTB's rate increase took effect on July 20, 2001. M. Dyers & Sons, Inc. was one of the nine sample carriers utilized in WMTB's cost study.

By Decision and Order No. 19919, filed on December 20, 2002, in Docket No. 02-0361, the commission denied WMTB's request for a five per cent across-the-board rate increase for its statewide carriers of household goods. The commission noted in detail certain deficiencies in WMTB's supporting cost study. M. Dyers & Sons, Inc. was one of the nine sample carriers utilized in WMTB's cost study.

Copies of the rate notice and cost support were served on the Department of Commerce and Consumer Affairs, Division of Consumer Advocacy (Consumer Advocate). On March 13, 2003, the Consumer Advocate filed a statement of non-participation.²

II.

The commission notes that WMTB utilizes 2001 data for a rate increase that proposes to take effect in March 2003. The commission finds outdated the 2001 data utilized in Exhibit III. Instead, WMTB's supporting cost study should be based on the revenues and expenses from the carrier's 2002 results of operations, for a rate increase that is proposed to take effect in the year 2003. Accordingly, the commission will dismiss without prejudice WMTB's Rate Notice No. 4341-1-B.³

Subsequently, on March 5, 2003, WMTB filed Rate Notice No. 4343-1-B, seeking a five per cent across-the-board rate increase for its statewide carriers of household goods. The proposed effective date of WMTB's rate increase is April 5, 2003. WMTB's cost study utilizes six sample carriers, in lieu of the previous nine. M. Dyers & Sons, Inc. is one of the carriers that is no longer a sample carrier.

²Among the reasons cited by the Consumer Advocate for its non-participation: (1) limited resources; (2) competitive nature of the motor carrier industry and the absence of market barriers; and (3) its belief that "the same criteria should be applied to determine the reasonableness of all filings by WMTB and the independent carriers."

³The commission's "dismissal without prejudice" means that WMTB is not precluded from filing a new rate notice on behalf of M. Dyer & Sons, Inc., seeking a rate increase.

III.

THE COMMISSION ORDERS:

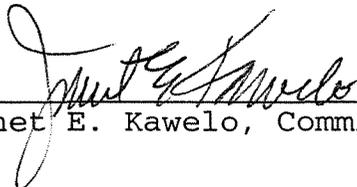
1. WMTB's Rate Notice No. 4341-1-B, filed on February 21, 2003, on behalf of M. Dyer & Sons, Inc., seeking a five per cent rate increase, is dismissed without prejudice.

2. WMTB, prior to filing a new rate notice seeking a rate increase, shall utilize year 2002 data in its new, updated cost support.

DONE at Honolulu, Hawaii this 20th day of March, 2003.

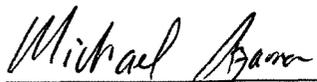
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Wayne H. Kimura, Chairman

By 
Janet E. Kawelo, Commissioner

By 
Gregg J. Kinkley, Commissioner

APPROVED AS TO FORM:


Michael Azama
Commission Counsel

WMTB43411B.sl

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 20088 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

ROBERT E. LEWIS
MANAGER
WESTERN MOTOR TARIFF BUREAU, INC.
P. O. Box 30268
Honolulu, HI 96820



Karen Higashi

DATED: March 20, 2003