

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
ALL AMERICAN MOVING, INC.)
For a Temporary Motor Carrier)
Certificate.)
_____)

DOCKET NO. 03-0234

DECISION AND ORDER NO. 20475

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

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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)
ALL AMERICAN MOVING, INC.) Docket No. 03-0234
For a Temporary Motor Carrier) Decision and Order No. 20475
Certificate.)
_____)

DECISION AND ORDER

I.

By an application filed on August 22, 2003 ("Application"), ALL AMERICAN MOVING, INC. ("Applicant")¹ requests temporary authority to operate as a common carrier of property by motor vehicle over irregular routes on the island of Oahu in the household goods classification.² The application is made pursuant to Hawaii Revised Statutes ("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

¹In support of the Application, Applicant also filed a Supplemental Memorandum in Support of Application, filed on September 4, 2003 ("Supplemental Memorandum"), and an Update to Application for Temporary Authority, filed on September 15, 2003 ("Update to Application").

²Applicant represents that it has developed an ongoing in-house training program that teaches a specialized skill group of modular techniques to its movers. See Supplemental Memorandum at 3.

in this proceeding, and no persons moved to intervene in this docket.

II.

A.

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 that there is "no [other motor] carrier service capable of meeting the need" between points or within 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). As discussed below, we conclude that Applicant has failed to satisfy the two requirements necessary to obtain temporary authority.

B.

As stated above, Applicant seeks temporary authority to operate as a common carrier of household goods on the island of Oahu. However, we find nothing in Applicant's record sufficient to indicate "an immediate and urgent need" for the proposed temporary service. Although Applicant submitted an affidavit of its President and numerous letters with its Application supporting its request for temporary authority, these submissions indicate only a general need, rather than "an immediate and urgent need" for temporary service. While Applicant's September 15, 2003 Update to

Application includes a representation of a time critical need by a potential customer, this representation comes from Applicant itself, rather than the potential customer. Similar to In re Dieter Uwe Thate, dba Dieter's Creative Hawaiian Isle Tours, Decision and Order No. 14375, Docket No. 95-0300 (November 9, 1995), these submissions are not any different from those generally supplied in applications for permanent authority to engage in the motor carrier business. In fact, the letters are in essence the same letters submitted in support of Applicant's application for permanent authority in Docket No. 03-0235. A showing of general need for a particular service is not a showing of immediacy and urgency of the need. Id.

In addition, we also find that Applicant has not shown that there is "no [other motor] carrier service capable of meeting the need" that Applicant's proposed temporary service would provide. As with the requirement of urgency, Applicant has not provided any direct evidence to support its claim that it is the only common carrier of household goods on the island of Oahu that can fill its potential customers' immediate and urgent needs.³ Applicant's representation that "members of the public" were unable to obtain another carrier to meet their needs is insufficient to meet the second requirement.

³Applicant asserts that there is no other carrier that currently has Applicant's specialized capabilities for modular set-up and take-down. However, it failed to include any letters, declarations or affidavits from actual, potential customers affirming that all other certificated household good movers on the island of Oahu were incapable of meeting their immediate and urgent needs.

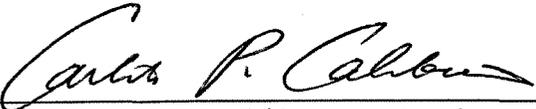
Based on the foregoing, we conclude that Applicant has not satisfied the temporary authority requirements set forth in HRS § 271-16. Accordingly, we further conclude that the application for temporary authority, filed on August 22, 2003, should be denied.

III.

THE COMMISSION ORDERS that Applicant's application for temporary authority, filed on August 22, 2003, is denied.

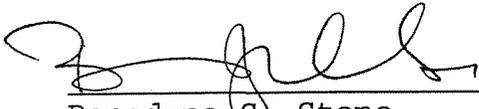
DONE at Honolulu, Hawaii this 1st day of October, 2003.

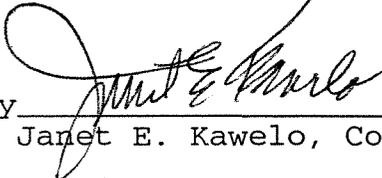
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
Wayne H. Kimura, Commissioner

APPROVED AS TO FORM:


Benedyne S. Stone
Commission Counsel

By 
Janet E. Kawelo, Commissioner

03-0234.cs

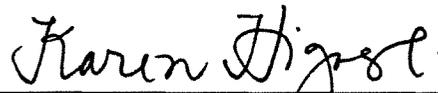
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 20475 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: October 1, 2003