

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
DONALD TAKASHI HARAGUCHI)
To Sell, Lease, Assign, Mortgage or)
Otherwise Dispose of, or Encumber)
The Whole or Any Part of Its)
Property, Certificate, or Permit.)
_____)

DOCKET NO. 03-0205

DECISION AND ORDER NO. 20602

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

2003 OCT 30 A 9:26

RECEIVED

Filed Oct. 29, 2003
At 8:00 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)	
DONALD TAKASHI HARAGUCHI)	Docket No. 03-0205
To Sell, Lease, Assign, Mortgage or)	Decision and Order No. 20602
Otherwise Dispose of, or Encumber)	
The Whole or Any Part of Its)	
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DECISION AND ORDER

I.

On July 21, 2003, DONALD TAKASHI HARAGUCHI ("Transferor") filed an application seeking commission approval to transfer certificate of public convenience and necessity number 5104-C ("Certificate No. 5104-C") to DON'S HAULING & RENTAL, INC. ("Transferee"), pursuant to Hawaii Revised Statutes ("HRS") § 271-18. Under Certificate No. 5104-C, Transferor is authorized to operate as a common carrier of property by motor vehicle over irregular routes on the island of Hawaii in the dump truck and specific commodities (heavy equipment, specialized equipment, and construction-related materials) classifications.

Transferor served copies of the application on the Hawaii Transportation Association, which consists of carriers that may be affected by the proposed transfer, and on the Division of Consumer Advocacy, Department of Commerce and Consumer Affairs ("Consumer Advocate"). By a statement filed on July 22, 2003, the Consumer

Advocate indicated that it will not participate in this proceeding. No persons moved to intervene in this docket.

II.

Upon review of Transferor's application, the commission finds that Transferee is fit, willing, and able to perform the services presently performed by Transferor, and that the proposed transfer of Certificate No. 5104-C is just and reasonable and will be consistent with the public interest. Accordingly, the commission concludes that the proposed transfer is in accordance with HRS § 271-18, and should, therefore, be approved.

III.

THE COMMISSION ORDERS:

1. Transferor's application to transfer Certificate No. 5104-C to Transferee is approved.

2. Transferor shall surrender Certificate No. 5104-C and an amended certificate reflecting the authority granted by this decision and order shall be issued to Transferee.

3. Transferee shall comply with all of the commission's requirements for common carriers by motor vehicle including, but not limited to, filing a lawful tariff, filing the appropriate insurance documents, and paying a fee of \$20 for motor carrier gross revenues.

4. Transferor shall file an annual financial report for his operations covering the period from January 1, 2003, to the date of this decision and order. Transferor shall also pay the

appropriate motor carrier gross revenue fee for the period January 1, 2003, to the date of this decision and order.


5. Transferor and Transferee shall comply with the requirements set forth herein within 120 days after service of this decision and order. Failure to comply within the time specified constitutes cause for the commission to void this decision and order.

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

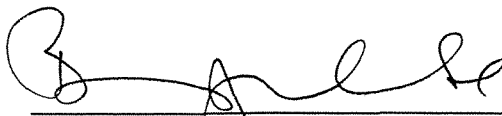
DONE at Honolulu, Hawaii this 29th day of October, 2003.

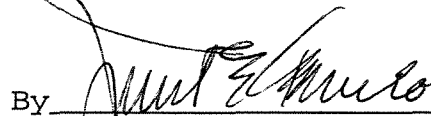
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
Wayne H. Kimura, Commissioner

APPROVED AS TO FORM:


Benedyne S. Stone
Commission Counsel

By 
Janet E. Kawelo, Commissioner

03-0205.cs

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 20602 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

DONALD TAKASHI HARAGUCHI
1269 Ainaola Drive
Hilo, HI 96720

DON'S HAULING & RENTAL, INC.
1269 Ainaola Drive
Hilo, HI 96720



Karen Higashi

DATED: October 29, 2003