

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

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

DOCKET NO. 03-0268

DECISION AND ORDER NO. 20784

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

2004 FEB -2 A 8:09

RECEIVED

Filed Jan. 30, 2004
At 10:00 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

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Docket No. 03-0268

Decision and Order No. 20784

DECISION AND ORDER

I.

Application to Transfer Common Carrier Authority

On September 25, 2003, KEALOHA TRANSFER, LLC ("Transferor") filed an application seeking commission approval to transfer certificate of public convenience and necessity number 3039-C ("Certificate No. 3039-C") to KEALOHA TRANSFER, INC. ("Transferee") pursuant to Hawaii Revised Statutes ("HRS") § 271-18. Under Certificate No. 3039-C, Transferor is authorized to operate as a common carrier of property by motor vehicle over irregular routes on the island of Kauai in the general commodities classification.

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 September 26, 2003, the

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

II.

Findings and Conclusions

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. 3039-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.

Orders

THE COMMISSION ORDERS:

1. Transferor's application to transfer Certificate No. 3039-C to Transferee is approved.

2. Transferor shall surrender Certificate No. 3039-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 the appropriate insurance documents and paying a fee of \$20 for motor carrier gross revenues.

4. Transferor shall file an annual financial report for its operations covering the period from January 1, 2004, to the

date of this decision and order. Transferor shall also pay the appropriate motor carrier gross revenue fee for the period January 1, 2004, to the date of this decision and order.


5. Transferor shall file the annual financial report for the calendar year 2003, and pay the appropriate gross revenue fee. The annual financial report and gross revenue fee for the calendar year 2003 must be filed with the commission **by April 30, 2004.**

6. 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.

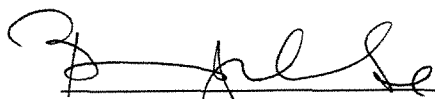
7. Transferee shall not commence operations under this decision and order until it has received written confirmation from the commission that all requirements have been met.


DONE at Honolulu, Hawaii this 30th day of January, 2004.

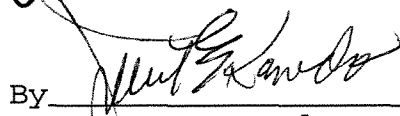
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

APPROVED AS TO FORM:


Benedyne S. Stone
Commission Counsel

By 
Wayne H. Kimura, Commissioner

By 
Janet E. Kawelo, Commissioner

03-0268.cs

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 20784 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

KEALOHA TRANSFER, LLC
c/o DAMIEN B. KEALOHA
4937 Nonou Road
Kapaa, HI 96746

KEALOHA TRANSFER, INC.
c/o DAMIEN B. KEALOHA
4937 Nonou Road
Kapaa, HI 96746



Karen Higashi

DATED: January 30, 2004