

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of)  
)  
CARL H. SHIMABUKURO, )  
dba CS TRUCKING )  
)  
To Sell, Lease, Assign, Mortgage or )  
Otherwise Dispose of, or Encumber )  
The Whole or Any Part of Its )  
Property, Certificate, or Permit. )  
\_\_\_\_\_ )

DOCKET NO. 03-0376

DECISION AND ORDER NO. 20787

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

2004 FEB -2 A 8:10

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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DECISION AND ORDER

I.

Application to Transfer Common Carrier Authority

On October 27, 2003, CARL H. SHIMABUKURO, dba CS TRUCKING ("Transferor"), filed an application seeking commission approval to transfer certificate of public convenience and necessity number 4075-C ("Certificate No. 4075-C") to MAUI BLOCKS, INC. ("Transferee") pursuant to Hawaii Revised Statutes ("HRS") § 271-18. Under Certificate No. 4075-C, Transferor is authorized to operate as a common carrier of property by motor vehicle over irregular routes on the island of Maui in the general commodities and dump truck 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 October 27, 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. 4075-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. 4075-C to Transferee is approved.
2. Transferor shall surrender Certificate No. 4075-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, 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.

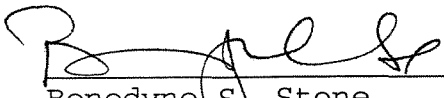
PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Carlito P. Caliboso, Chairman

By   
Wayne H. Kimura, Commissioner

By   
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

  
Benedyne S. Stone  
Commission Counsel

03-0376.cs

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 20787 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

CARL H. SHIMABUKURO, dba  
CS TRUCKING  
929 Kuhio Place  
Wailuku, HI 96793

MAUI BLOCKS, INC.  
c/o MAYBELLE MADDELA  
P. O. Box 115  
Puunene, HI 96784

  
\_\_\_\_\_  
Karen Higashi

DATED: January 30, 2004