

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
SWR PACIFIC, INC.)
For a Motor Carrier Certificate or)
Permit.)
_____)

DOCKET NO. 03-0356

ORDER NO. 20835

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

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RECEIVED

Filed March 5, 2004
At 2:00 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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
SWR PACIFIC, INC.) Docket No. 03-0356
For a Motor Carrier Certificate or) Order No. 20835
Permit.)
_____)

ORDER

I.

Motion to Intervene

On October 10, 2003, SWR PACIFIC, INC. ("Applicant") filed an application with the commission for a permit to operate as a contract carrier in the household goods classification, on the island of Oahu.

On November 21, 2003, a motion to intervene ("Motion to Intervene") was timely filed by Westpac International, Inc. ("Movant").

II.

Discussion

Pursuant to Hawaii Administrative Rules ("HAR") § 6-61-55, "[i]ntervention shall not be granted except on allegations which are reasonably pertinent to and do not unreasonably broaden the issues already presented." Additionally, intervention as a party in a proceeding before us is a matter resting within our sound discretion. See In re Application of Hawaiian Electric Co., Ltd., 56 Haw. 260 (1975).

In its Motion to Intervene, Movant alleges, among other things, that: (1) Applicant may not be fit or able to properly perform the proposed motor carrier service; (2) Applicant's proposed service is not consistent with the public interest; and (3) Movant can properly perform the motor carrier services proposed in Applicant's application.

Based upon our review of the Motion to Intervene, we find that Movant's assertions do not warrant a grant of intervention by the commission. Movant has not convinced the commission that its participation as a party will not unreasonably broaden the issues already presented, and is necessary to the resolution of the instant application. For example, the commission is capable of assuring that any deficiencies in Applicant's application, as alleged by Movant, are resolved prior to making any determination on the application.

Thus, the commission concludes that Movant's Motion to Intervene should be denied.


III.


Order

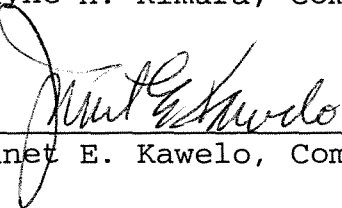
THE COMMISSION ORDERS that Movant's Motion to Intervene, filed on November 21, 2003, is denied.

DONE at Honolulu, Hawaii this 5th day of March, 2004.

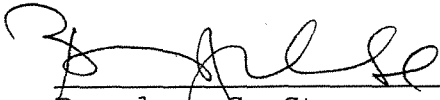
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
Wayne H. Kimura, Commissioner

By 
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:


Benedyne S. Stone
Commission Counsel

03-0356.cs

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 20835 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

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DATED: March 5, 2004