

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
)
ALTON DALE KAONO, dba)
AL TONS TRUCKING)
)
For a Motor Carrier Certificate or)
Permit.)
_____)

DOCKET NO. 03-0381

ORDER NO. 20841

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

2004 MAR -9 P 4: 02

RECEIVED

Filed March 9, 2004
At 8:00 o'clock A .M.

Karen Higson
Chief Clerk of the Commission

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of))	
ALTON DALE KAONO, dba)	
AL TONS TRUCKING)	Docket No. 03-0381
)	
For a Motor Carrier Certificate or))	Order No. 20841
Permit.)	
_____)	

ORDER

I.

Motion to Intervene

On October 29, 2003, ALTON DALE KAONO, dba AL TONS TRUCKING ("Applicant"), filed an application with the commission for a certificate of public convenience and necessity to operate as a common carrier of property in the general commodities, household goods, and specific commodities classifications on the island of Hawaii.

On December 30, 2003, a timely motion to intervene in the instant proceeding ("Motion to Intervene") was filed by Big Isle Moving & Draying, Inc. ("Movant").

II.

Discussion

Pursuant to Hawaii Administrative Rules § 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 there is no public necessity on Hawaii for Applicant's proposed motor carrier service.

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


III.

Order

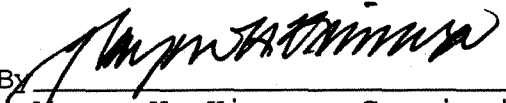
THE COMMISSION ORDERS that Movant's Motion to Intervene, filed on December 30, 2003, is denied.

DONE at Honolulu, Hawaii this 9th day of March, 2004.


PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 

Carlito P. Caliboso, Chairman

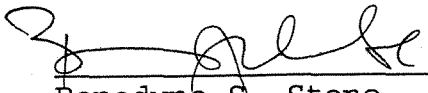
By 

Wayne H. Kimura, Commissioner

By 

Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:



Benedyne S. Stone
Commission Counsel

03-0381.cs

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 20841 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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ERNEST Y. MARTIN, ESQ.
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Karen Higashi

DATED: March 9, 2004