

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
)
 EDWARD MARIA, dba)
 E. MARIA 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. 03-0390

DECISION AND ORDER NO. 20865

RECEIVED
2004 MAR 29 A 10:05
DIV. OF CONSUMER ADVOCACY
DEPT. OF COMMERCE AND
CONSUMER AFFAIRS
STATE OF HAWAII

Filed March 25, 2004
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

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Docket No. 03-0390

Decision and Order No. 20865

DECISION AND ORDER

I.

Application to Transfer Common Carrier Authority

On November 12, 2003, EDWARD MARIA, dba E. MARIA TRUCKING ("Transferor"), filed an application seeking commission approval to transfer certificate of public convenience and necessity number 2031-C ("Certificate No. 2031-C") to CERTIFIED HAWAIIAN SERVICES, LLC ("Transferee") pursuant to Hawaii Revised Statutes ("HRS") § 271-18. Under Certificate No. 2031-C, Transferor is authorized to operate as a common carrier of property by motor vehicle over irregular routes on the island of Oahu in the dump truck 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 March 1, 2004, 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. 2031-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. 2031-C to Transferee is approved.
2. Transferor shall surrender Certificate No. 2031-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 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 for calendar year 2003 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 25th 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

03-0390.cs

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 20865 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

EDWARD MARIA, dba
E. MARIA TRUCKING
P. O. Box 2868
Waianae, HI 96792

CERTIFIED HAWAIIAN SERVICES, LLC
1808 Kananui Street
Honolulu, HI 96819



Karen Higashi

DATED: March 25, 2004