

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Request of)
CHARLES PAUL DURKEE)
To Place Operating Authority on)
Inactive Status.)
_____)

DOCKET NO. 03-0392

ORDER NO. 20866

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2004 MAR 29 A 10:05
DIV. OF CONSUMER ADVOCACY
DEPT. OF COMMERCE, TRADE 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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Request of))
CHARLES PAUL DURKEE)) Docket No. 03-0392
To Place Operating Authority on)) Order No. 20866
Inactive Status.))
_____))

ORDER

I.

Request to Place Common Carrier Authority on Inactive Status

On November 17, 2003, CHARLES PAUL DURKEE ("Petitioner") filed a letter requesting that certificate of public convenience and necessity no. 5126-C ("Certificate No. 5126-C") be placed on inactive status. Certificate No. 5126-C authorizes Petitioner to transport property by motor vehicle over irregular routes on the island of Hawaii in the dump truck classification.

Under Hawaii Revised Statutes ("HRS") § 271-19, the commission may place a certificate on inactive status upon written request by a motor carrier, and for good cause shown. The inactive period, however, may not exceed 12 months. In addition, HRS § 271-19 provides that inactive status may only be granted for a cumulative period not to exceed two years over the life of the certificate.

The commission finds that there is good cause to grant Petitioner's request. If Petitioner so desires he may file, prior to the expiration of the inactive period granted by this order, a

request to extend his inactive status for up to one additional year.

II.

Orders

THE COMMISSION ORDERS:

1. Petitioner's Certificate No. 5126-C is placed on inactive status for one year, effective from the date of this order.

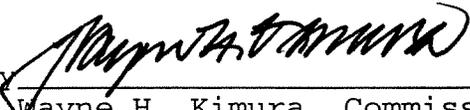
2. If Certificate No. 5126-C is not reactivated prior to the expiration of the period of inactivity, i.e., within one year from the date of this order, it shall be declared abandoned and revoked. The request to reactivate Certificate No. 5126-C, along with the filing of all required documents necessary for reactivation must be completed prior to the expiration of the inactivity period, or Certificate No. 5126-C shall be revoked.

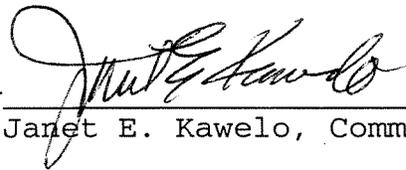
3. Petitioner shall not transfer his inactive certificate unless Petitioner can first establish good cause to the commission for the transfer, and the commission has approved the request to transfer.

DONE at Honolulu, Hawaii this 25th day of March, 2004.

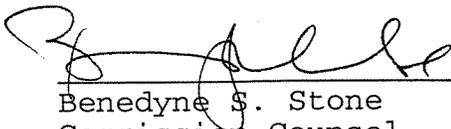
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
Wayne H. Kimura, Commissioner

By 
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:


Benedyne S. Stone
Commission Counsel

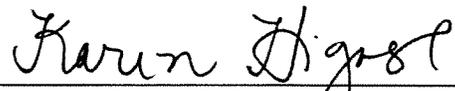
03-0392.cs

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 20866 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

CHARLES PAUL DURKEE
c/o CHARLES P. WHITNEY
75-797 Keaolani Drive
Kailua-Kona, HI 96740



Karen Higashi

DATED: March 25, 2004