

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

DECISION AND ORDER NO. 20982

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

RECEIVED
2004 MAY 17 A 9:38

Filed May 14, 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

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SWR PACIFIC, INC.)
For a Motor Carrier Certificate or)
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Docket No. 03-0356
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DECISION AND ORDER

I.

Application for Contract Carrier Authority

SWR PACIFIC, INC. ("Applicant") filed an application with the commission on October 10, 2003, to operate as a contract carrier of property in the household goods classification on the island of Oahu, pursuant to a contract with Fleet & Industrial Supply Center, Pearl Harbor.¹ Applicant will be moving household goods for military families on the island of Oahu. The application is made pursuant to Hawaii Revised Statutes ("HRS") § 271-13.

Applicant served copies of the application on the Hawaii Transportation Association, which consists of carriers that may be affected by Applicant's proposed service, and on the Division of Consumer Advocacy, Department of Commerce and Consumer Affairs ("Consumer Advocate"). The Consumer Advocate did not participate in this proceeding.

¹ By Notice of Dismissal dated November 24, 2003, Applicant was notified that its application would be dismissed without prejudice for failure to provide information necessary to process its application. Applicant subsequently submitted the necessary information.

On November 21, 2003, Westpac International, Inc. ("Westpac") filed a motion to intervene ("Motion to Intervene") in the instant proceeding. By Order No. 20835, filed on March 5, 2004, the commission denied Westpac's Motion to Intervene.

II.

Findings and Conclusions

Based upon our review of the record, we find that Applicant is fit, willing, and able to properly perform the proposed service, and to conform to HRS chapter 271 and the requirements and rules of the commission. We also find that the proposed service will meet the distinct needs of Fleet & Industrial Supply Center, and that pursuant to HRS § 271-13, will be consistent with the public interest and the transportation policy declared in chapter 271, HRS. Accordingly, we conclude that Applicant's request for contract carrier authority in the household goods classification should be granted.

III.

Orders

THE COMMISSION ORDERS:

1. Applicant is granted a permit to operate as a contract carrier of property by motor vehicle in the household goods classification, pursuant to a contract with Fleet & Industrial Supply Center, Pearl Harbor.
2. Applicant shall comply with all of the commission's requirements for contract carriers by motor vehicle including, but

not limited to, paying a fee of \$20 for motor carrier gross revenues, and filing the appropriate insurance documents.

3. Applicant shall file a copy of its executed contract with Fleet & Industrial Supply Center, Pearl Harbor. The contract must include all terms and conditions pursuant to which the household goods services are being provided, as well as the rates being charged.

4. Applicant shall comply with the foregoing requirements within 120 days after service of this decision and order. Failure to comply within the time specified constitutes cause for this commission to void this decision and order.

5. Applicant 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 14th day of May, 2004.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By (EXCUSED)
Wayne H. Kimura, Commissioner

APPROVED AS TO FORM:


Bedyne S. Stone
Commission Counsel

By 
Janet E. Kawelo, Commissioner

03-0356.cs

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 20982 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

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c/o TIMOTHY S. SWINDALL
P. O. Box 1339
Troy, AL 36081

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ALBRITTONS, CLIFTON, ALVERSON,
MOODY & BOWDEN, P.C.
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Andalusia, AL 36420



Karen Higashi

DATED: May 14, 2004