

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
)
IVAR F. KAIPO, dba)
LEHUA WATER DELIVERY SERVICE)
)
For a Motor Carrier Certificate or)
Permit.)
_____)

DOCKET NO. 04-0100

DECISION AND ORDER NO. 21411

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

2004 OCT 13 A 8:37

RECEIVED

Filed Oct. 12, 2004
At 2 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.

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OF THE STATE OF HAWAII

In the Matter of the Application of)
IVAR F. KAIPO, dba)
LEHUA WATER DELIVERY SERVICE)
For a Motor Carrier Certificate or)
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Docket No. 04-0100
Decision and Order No. **21411**

DECISION AND ORDER

I.

Application for Common Carrier Authority

On May 10, 2004, IVAR F. KAIPO, dba LEHUA WATER DELIVERY SERVICE ("Applicant"), filed an application requesting a certificate of public convenience and necessity to operate as a common carrier of property by motor vehicle over irregular routes on the island of Hawaii in the specific commodities (water hauling) classification. The application is made pursuant to Hawaii Revised Statutes ("HRS") § 271-12.

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").

On June 16, 2004, A.C. Young Enterprises ("Movant") filed a motion to intervene in the instant proceeding ("Motion to Intervene"). By Order No. 21225, filed on August 6, 2004, the

commission denied Movant's Motion to Intervene. On August 16, 2004, Movant filed a motion for our reconsideration of Order No. 21225 ("Motion for Reconsideration") and further requested a hearing on the Motion for Reconsideration. By Order No. 21335, filed on September 3, 2004, the commission denied Movant's Motion for Reconsideration and Movant's request for a hearing on its Motion for Reconsideration.

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 is required by the present and future public convenience and necessity. Accordingly, we conclude that Applicant's request for operating authority, as set forth in the application, should be granted.

III.

Orders

THE COMMISSION ORDERS:

1. Applicant is granted a certificate to operate as a common carrier of property by motor vehicle over irregular routes on the island of Hawaii in the specific commodities (water hauling) classification.

2. Applicant shall comply with all of the commission's requirements for common carriers by motor vehicle including, but not limited to, filing a lawful tariff, paying a fee of \$20 for motor carrier gross revenues, and filing the appropriate insurance documents.

3. Applicant shall comply with the foregoing requirements within one hundred and twenty (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.

4. Applicant shall not commence operations under this decision and order until he has received written confirmation from the commission that all requirements have been met.

DONE at Honolulu, Hawaii OCT 12 2004

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By Carlito P. Caliboso
Carlito P. Caliboso, Chairman

By (EXCUSED)
Wayne H. Kimura, Commissioner

APPROVED AS TO FORM:

Benedyne S. Stone
Benedyne S. Stone
Commission Counsel

By Janet E. Kawelo
Janet E. Kawelo, Commissioner

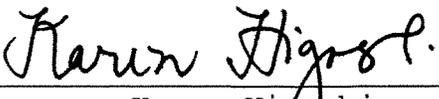
04-0100.cs

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 21411 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

IVAR F. KAIPO, dba
LEHUA WATER DELIVERY SERVICE
P. O. Box 6649
Ocean View, HI 96737-6649



Karen Higashi

DATED: OCT 12 2004