

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Request of)
)
 SHERMAN TRINH)
)
 To Place Certificate No. 1527-C on)
 Inactive Status.)
 _____)

DOCKET NO. 04-0264

In the Matter of the Application of)
)
 SHERMAN TRINH)
)
 For Extension of Motor Carrier)
 Certificate.)
 _____)

DOCKET NO. 04-0270
(CONSOLIDATED)

DECISION AND ORDER NO. 21454

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

2004 NOV - 8 P 3: 49

RECEIVED

Filed Nov. 5, 2004
At 2 o'clock P .M.

Karen Higuel.
Chief Clerk of the Commission

Certificate No. 1527-C, pursuant to Hawaii Revised Statutes ("HRS") § 271-18, as well as a request for an extension of authority.

Petitioner served copies of the application on the Hawaii Transportation Association and the Hawaii State Certified Common Carriers Association, Inc., which consist 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, and no persons moved to intervene in this docket.

II.

Consolidation

Hawaii Administrative Rules ("HAR") § 6-61-39 provides that the commission, upon its own initiative, may consolidate two or more proceedings that involve related questions of fact or law if it finds that the consolidation will be conducive to the proper dispatch of its business and to the ends of justice and will not unduly delay the proceedings.

Upon review of the record, we find that Docket Nos. 04-0264 and 04-0270 involve related questions of fact and law. We also find that the consolidation of these proceedings will be conducive to the proper dispatch of the commission's business and the ends of justice, and will not unduly delay these proceedings.

Based on the foregoing, we conclude that Docket Nos. 04-0264 and 04-0270 should be consolidated.

III.

Findings and Conclusions

Petitioner seeks commission approval to extend his authority under Certificate No. 1527-C to include the 1-to-7 passenger classification. Petitioner's current authority under Certificate No. 1527-C allows him to transport passengers by motor vehicle over irregular routes on the island of Oahu in the 8-to-25 passenger classification, limited to limousines.

Based upon our review of Petitioner's application, we find that Petitioner 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 Petitioner's request for an extension of his authority should be granted.

In addition, we find that there is good cause to reactivate Certificate No. 1527-C, pursuant to HRS § 271-19, as Petitioner plans to begin operations in the 1-to-7 passenger classification upon approval of his application and has fulfilled the requirements for reactivation.

IV.

Orders

THE COMMISSION ORDERS:

1. Docket Nos. 04-0264 and 04-0270 are consolidated pursuant to HAR § 6-61-39.

2. Certificate No. 1527-C is reactivated, effective from the date of this decision and order.

3. Petitioner is authorized to operate as a common carrier of passengers by motor vehicle over irregular routes on the island of Oahu in the (1) 1-to-7 passenger classification, and (2) 8-to-25 passenger classification, limited to limousines.

4. Petitioner shall surrender Certificate No. 1527-C, and an amended certificate reflecting the operating authority granted by this decision and order shall be issued.

5. Petitioner shall not commence operations in the 1-to-7 passenger classification until he has received written confirmation from the commission that all requirements have been met.

DONE at Honolulu, Hawaii NOV - 5 2004

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By *Carlito P. Caliboso*
Carlito P. Caliboso, Chairman

By *Wayne H. Kimura*
Wayne H. Kimura, Commissioner

APPROVED AS TO FORM:

Benedyne S. Stone
Benedyne S. Stone
Commission Counsel

By *Janet E. Kawelo*
Janet E. Kawelo, Commissioner

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 21454 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
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Honolulu, HI 96817



Karen Higashi

DATED: NOV - 5 2004