

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of)  
ELITE TRUCKING & SERVICES, LLC )  
For a Temporary Contract Carrier )  
Authority. )  
\_\_\_\_\_ )

DOCKET NO. 04-0336

DECISION AND ORDER NO. 21527

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

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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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DECISION AND ORDER

I.

Application for Temporary Contract Carrier Authority

On November 23, 2004, ELITE TRUCKING & SERVICES, LLC filed an application requesting temporary authority to operate as a contract carrier of property by motor vehicle over irregular routes on the island of Oahu in the specific commodities (hauling prestress concrete pieces) classification pursuant to its contract with Rocky Mountain Prestress. The application is made pursuant to Hawaii Revised Statutes ("HRS") § 271-16.

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 December 6, 2004, the Division of Consumer Advocacy, Department of Commerce and Consumer Affairs, filed a statement of position stating that it would not participate in the instant proceeding.

II.

Findings and Conclusions

For a grant of temporary operating authority pursuant to HRS § 271-16, an applicant must satisfy two conditions. First, the applicant must establish that there is "an immediate and urgent need" for the proposed service. Second, the applicant must demonstrate "[an] absence of carrier service capable of meeting the need between points or in the territory where the temporary service will be instituted." See In re Robert's Tours & Transportation, Inc., Decision and Order No. 15274, Docket No. 96-0437 (December 23, 1996). In addition, pursuant to HRS § 271-16, the commission may, at its discretion, grant temporary authority for service by a common or contract carrier, without hearings or other proceedings.

Applicant proposes to haul prestress concrete pieces pursuant to a contract with Rocky Mountain Prestress ("RMP"). RMP's letter of November 1, 2004, included with the application, represents that Applicant's proposed service is urgently needed as Applicant is the only carrier that is able to fill its distinct requirements. The delivery of RMP's prestress concrete pieces requires the use of a forty-foot stretch trailer and many trucking companies do not have this type of trailer. RMP also needs to preload the trailers over night to get its material out on time. None of the trucking companies that RMP contacted, except Applicant, would agree to spot trailers at the RMP facility so that they could be preloaded for next day delivery. RMP represents that only three companies have been able to meet its requests for

deliveries, but due to the heavy demand for trucks at present, these companies were not able to give RMP the amount of trucks or the amount of trips that it needed to successfully send its product out.

Upon review, we find that Applicant meets the criteria for temporary authority set forth in HRS § 271-16. Applicant's proposed service is immediately and urgently needed as it is the only trucking company that is willing to provide the number of trucks and trips required by RMP, that has the right equipment, and is willing to provide trailers for preloading. We, thus, conclude that Applicant's request for temporary operating authority should be granted without hearings or other proceedings in this docket.

Pursuant to HRS § 271-16, the commission may grant temporary authority to an applicant for no more than one hundred and twenty (120) days. We conclude, therefore, that since Applicant satisfied the requirements for a grant of temporary authority pursuant to HRS § 271-16, it should be granted temporary authority for a period of one hundred twenty (120) days.

### III.

#### Orders

##### THE COMMISSION ORDERS:

1. Applicant is granted temporary authority to operate as a contract carrier of property by motor vehicle over irregular routes on the island of Oahu in the specific commodities (hauling prestress concrete pieces) classification pursuant to its contract with Rocky Mountain Prestress. The temporary authority shall be

valid for no more than one hundred twenty (120) days from the date of this decision and order, in accordance with HRS § 271-16. However, the temporary authority may be terminated for good cause, including, but not limited to, Applicant's failure to comply with the motor carrier laws or the commission's rules or orders.


2. Applicant shall comply with all of the commission's requirements for common 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 comply with the foregoing requirements within fifteen (15) 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 it has received written confirmation from the commission that all requirements have been met.

DONE at Honolulu, Hawaii JAN - 4 2005 .


PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Carlito P. Caliboso, Chairman

By (EXCUSED)  
Wayne H. Kimura, Commissioner

By   
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

  
Benedyne S. Stone  
Commission Counsel

04-0336.rpr

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 21527 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  
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Honolulu, HI 96809

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Honolulu, HI 96813

  
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Karen Higashi

DATED: JAN - 4 2005