

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
WAYNE A. SOUZA, dba)
WAYNE'S ENTERPRISES)
For Extension of Motor Carrier)
Certificate.)

DOCKET NO. 05-0006

DECISION AND ORDER NO. 21716

Filed April 4, 2005
At 2 o'clock P.M.

for Brooke K. Kane
Chief Clerk of the Commission

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

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ATTEST: A True Copy
BROOKE K. KANE
Administrative Director
Public Utilities Commission
State of Hawaii
Brooke K. Kane

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OF THE STATE OF HAWAII

In the Matter of the Application of))	
WAYNE A. SOUZA, dba)	
WAYNE'S ENTERPRISES)	Docket No. 05-0006
)	
For Extension of Motor Carrier)	Decision and Order No. 21716
Certificate.)	
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DECISION AND ORDER

By this Decision and Order, the commission authorizes WAYNE A. SOUZA, dba WAYNE'S ENTERPRISES ("Applicant"), to extend his authority under certificate of public convenience and necessity number 3037-C ("Certificate No. 3037-C") to include the general commodities classification on the island of Kauai, subject to certain conditions, as described herein.

I.

Application to Extend Common Carrier Authority

Applicant is a common carrier of property by motor vehicle over irregular routes on the island of Kauai in the dump truck classification. On January 7, 2005, Applicant filed an application seeking commission approval to extend its authority under Certificate No. 3037-C to include the general commodities and specific commodities classifications. Applicant represents that if his authority is extended as requested, he can meet customer demand for general freight and lowboy trailer hauling.

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, and no persons moved to intervene in this docket.

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 Hawaii Revised Statutes 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 in the general commodities classification should be granted.

With respect to Applicant's request to operate as a common carrier of property in the specific commodities classification, the commission notes that the transportation of specific commodities is allowed under Applicant's general commodities authority when granted. We, thus, find that Applicant's request to operate in the specific commodities classification is unnecessary and should be dismissed as moot.

III.

Orders

THE COMMISSION ORDERS:

1. Applicant's request to operate as a common carrier of property by motor vehicle over irregular routes on the island of Kauai in the specific commodities classification is dismissed.

2. Applicant is authorized to operate as a common carrier of property by motor vehicle over irregular routes on the island of Kauai in the general commodities and dump truck classifications.

3. Applicant shall surrender Certificate No. 3037-C, and an amended certificate reflecting the operating authority granted by this Decision and Order shall be issued.


4. 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 and filing the appropriate insurance documents.

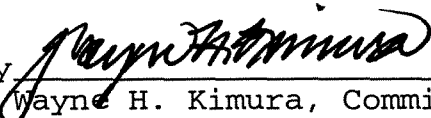
5. Applicant shall comply with the foregoing requirements within one hundred and twenty (120) days after service of this Decision and Order. Failure to comply within the time specified constitutes cause for this commission to void this Decision and Order.


6. Applicant shall not commence operations in the general commodities classification until he has received written confirmation from the commission that all requirements have been met.

DONE at Honolulu, Hawaii April 4, 2005.

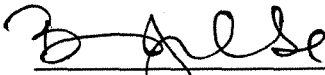
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
Wayne H. Kimura, Commissioner

By 
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:


Benedyne S. Stone
Commission Counsel


05-0006.rpr

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 21716 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

WAYNE A SOUZA, dba
WAYNE'S ENTERPRISES
P. O. Box 237
Lawai, HI 96765



Karen Higashi

DATED: April 4, 2005