





as proposed, for a one (1)-year period from July 1, 2004 to June 30, 2005.<sup>2</sup> In addition, the commission instructed Young Brothers to file, by April 15, 2005, a report containing certain information and data for the period from July 1, 2004 to March 31, 2005 (the "trial period").<sup>3</sup> Following its review of Young Brothers' report, the commission would determine whether to continue, modify, or terminate the tariff changes approved by Decision and Order No. 21088.

On April 15, 2005, Young Brothers timely filed its report with the commission.

---

<sup>2</sup>Order No. 20943, filed on April 29, 2004; and Decision and Order No. 21088, filed on June 25, 2004.

<sup>3</sup>Specifically:

1. The number of customers that switch to using their own platforms utilizing the non-standard size container rate, and a comparison of the rate each shipper, using its own platform, is charged and the revenues received by Young Brothers, versus the rate that shipper, using its own platform, would have been charged and the revenues Young Brothers would have received under the former tariff ("Item 1").
2. For the application of the long length penalty to the shipment of cargo utilizing shipper-owned equipment (all types), the identity of each shipper assessed the penalty, a description of the type of cargo shipped, and a comparison of the rate each shipper is charged and the revenues received by Young Brothers, versus the rate that shipper would have been charged and the revenues Young Brothers would have received under the former tariff ("Item 2").

II.

Young Brothers' Report

Young Brothers' proposed tariff changes, described in detail in Sections II and III of Order No. 20943, are incorporated herein by reference.

Young Brothers monitored all shipper-owned platform and flatrack shipments during the trial period, as required by Decision and Order No. 21088.

A.

Item 1

During the trial period: (1) seventeen (17) customers used their own platforms under the new non-standard size container rate; and (2) the implementation of the new non-standard size container rate resulted in a revenue loss of \$4,970.<sup>4</sup> "The difference in revenue received for these shipments was primarily due to the height of the platform. Under the former tariff, these shipments were charged a container rate . . . which has a standard height of 8.5 feet."<sup>5</sup>

---

<sup>4</sup>Specifically, during the trial period, the revenues Young Brothers would have received under its former tariff (\$42,398), minus the revenues Young Brothers received pursuant to its Commodity Rate Item No. GC (\$37,428)

<sup>5</sup>Young Brothers' report at 6.

B.

Item 2

During the trial period: (1) there were no shipper-owned flatrack shipments that were subject to the long length penalty charge; and (2) the implementation of the long length penalty charge applied consistently to all shipments, regardless of equipment ownership, resulted in a revenue gain of \$1,239.<sup>6</sup> "The difference in charge for these shipments was primarily due to the change in freight rate" using the non-standard size container commodity code, and "[t]he 25% penalty charge continues to be based on the freight charge."<sup>7</sup>

III.

Discussion

Young Brothers' tariff changes: (1) resulted in a net revenue reduction of \$3,731 during the trial period; and (2) do not materially impact Young Brothers' operating revenues.<sup>8</sup> The commission approves Young Brothers' tariff changes on a permanent basis, until further order of the commission.

---

<sup>6</sup>Specifically, during the trial period, the revenues Young Brothers received pursuant to its Commodity Rate Item No. YB (\$3,913), minus the revenues Young Brothers would have received under its former tariff (\$2,674).

<sup>7</sup>Young Brothers' report at 6 - 7.

<sup>8</sup>Young Brothers' reported total operating revenues for the past three (3) years are: (1) \$62,537,601, 2003; (2) \$66,625,451, 2004; and (3) \$10,624,300, January - February 2005.

IV.

Orders

THE COMMISSION ORDERS:

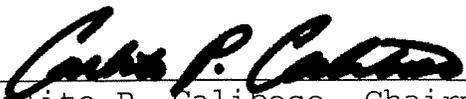
1. Young Brothers' tariff changes, previously approved by the commission for a one (1)-year trial period, are allowed to take effect permanently, until further order of the commission.

2. Within seven (7) calendar days from the date of this Decision and Order, Young Brothers shall file its revised tariff sheets that remove from Commodity Rate Items No. GC and No. YB, the notation that "[u]nless ordered otherwise by the Commission, the affected tariff change will be in effect from July 1, 2004 to June 30, 2005."

3. This docket is closed.

DONE at Honolulu, Hawaii: MAY 26 2005.

PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Carlito P. Caliboso, Chairman

By   
Wayne H. Kimura, Commissioner

APPROVED AS TO FORM:

  
Michael Azama  
Commission Counsel  
04-0084.cs

By   
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. 21839 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

YOUNG BROTHERS, LIMITED  
Pier 40, P. O. Box 3288  
Honolulu, HI 96801

J. DOUGLAS ING, ESQ.  
WRAY H. KONDO, ESQ.  
WATANABE ING KAWASHIMA & KOMEIJI  
First Hawaiian Center  
999 Bishop Street, 23<sup>rd</sup> Floor  
Honolulu, HI 96813

  
\_\_\_\_\_  
Karen Higashi

DATED: MAY 26 2005