

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of)  
MCB, INC., dba MARTIN LOGISTICS )  
For Temporary Common Carrier )  
Authority. )  
\_\_\_\_\_ )

DOCKET NO. 05-0109

DECISION AND ORDER NO. 21845

RECEIVED  
2005 MAY 27 A 7:55  
DIV. OF CONSUMER ADVOCACY  
DEPT. OF COMMERCE AND  
CONSUMER AFFAIRS  
STATE OF HAWAII

Filed May 26, 2005  
At 1 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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Docket No. 05-0109  
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DECISION AND ORDER

By this Decision and Order, the commission grants MCB, INC., dba MARTIN LOGISTICS ("Applicant"), temporary authority to operate as a common carrier of property by motor vehicle in the general commodities classification over irregular routes on the island of Oahu.

I.

Application for Temporary Common Carrier Authority

On May 9, 2005, Applicant filed an application requesting temporary authority to operate as a common carrier of property by motor vehicle over irregular routes on the island of Oahu in the general commodities classification. 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.

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). Moreover, the commission may, at its discretion, grant temporary authority without hearings or other proceedings. HRS §271-16.

Applicant represents that its proposed service is immediately and urgently needed to fill the void left by Martin Distribution and Warehousing, Inc. ("Martin Distribution") which will cease operations on May 15, 2005 due to the non-renewal of its insurance. Bomar International Forwarding, Inc.'s ("Bomar") and GAC Distributors' ("GAC") letters of support included with the application state that each of their companies relied on the services of Martin Distribution. Because of the lapse of insurance there is an immediate and urgent need for continued transportation services without disruption and detriment to their operations. Bomar and GAC represent that Applicant is the only motor carrier that can provide these services, due to Applicant's unique understanding and knowledge of their operations. Using another motor carrier besides

Applicant would result in the loss of valuable efficiencies that have been gained and the resulting delays and time lost would create severe problems that would take months to rectify.

Upon review, we find that Applicant meets the criteria for temporary authority set forth in HRS § 217-16. First, Applicant's proposed service is immediately and urgently needed to provide services to Bomar and GAC to fill the void left by Martin Distribution. Second, because of Applicant's unique understanding and knowledge of Bomar's and GAC's business operations, it is the only motor carrier capable of performing the needed transportation services without causing significant disruption and detriment to these companies. 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 common carrier of property by motor vehicle over irregular routes on the island of Oahu in the general commodities classification. 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, filing a lawful tariff, paying a fee of \$20 for motor carrier gross revenues, and filing the appropriate insurance documents.

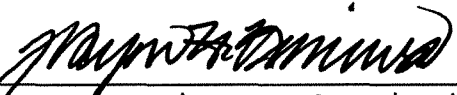
3. Applicant shall comply with the foregoing requirements within fifteen (15) days after service of this Decision and Order. Failure to comply within the time specified constitutes cause for this commission to void this Decision and Order.

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           MAY 26 2005          .

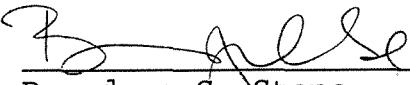
PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Carlito P. Caliboso, Chairman

By   
Wayne H. Kimura, Commissioner

By   
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

  
Benedyne S. Stone  
Commission Counsel

05-0109.rpr

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 21845 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 96813

  
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Karen Higashi

DATED: MAY 26 2005