

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
)
 SHERMAN ENTERPRISES, INC., dba)
 CITY WIDE TRANSPORTATION COMPANY)
)
 To Sell, Lease, Assign, Mortgage or)
 Otherwise Dispose of, or Encumber)
 The Whole or Any Part of Its)
 Property, Certificate, or Permit.)
 _____)

DOCKET NO. 05-0127

DECISION AND ORDER NO. 22070

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

2005 OCT 13 A 8:21

RECEIVED

Filed Oct. 12, 2005
At 12 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

BEFORE THE PUBLIC UTILITIES COMMISSION
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In the Matter of the Application of)
SHERMAN ENTERPRISES, INC., dba)
CITY WIDE TRANSPORTATION COMPANY)
To Sell, Lease, Assign, Mortgage or) Docket No. 05-0127
Otherwise Dispose of, or Encumber) Decision and Order No. 22070
The Whole or Any Part of Its)
Property, Certificate, or Permit.)
_____)

DECISION AND ORDER

By this Decision and Order, the commission approves the transfer of certificate of public convenience and necessity number 83-C ("Certificate No. 83-C") from SHERMAN ENTERPRISES, INC., dba CITY WIDE TRANSPORTATION COMPANY ("Transferor"), to HONOLULU FREIGHT SERVICE, INC. ("Transferee"), subject to certain conditions, as described herein.

I.

Application to Transfer Common Carrier Authority

On May 27, 2005, Transferor filed an application seeking commission approval to transfer Certificate No. 83-C to Transferee, pursuant to Hawaii Revised Statutes ("HRS") § 271-18. Under Certificate No. 83-C, and pursuant to HRS § 271-12, Transferor is authorized to operate as a common carrier of property by motor vehicle over irregular routes on the island of Oahu in the general commodities and household goods classifications.

Transferor served copies of the application on the Hawaii Transportation Association, which consists of carriers that may be affected by the proposed transfer, 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

Upon review of Transferor's application, the commission finds that Transferee is fit, willing, and able to perform the services presently performed by Transferor, and that the proposed transfer of Certificate No. 83-C is just and reasonable and will be consistent with the public interest. Accordingly, the commission concludes that the proposed transfer is in accordance with HRS § 271-18, and should, therefore, be approved.

III.

Orders

THE COMMISSION ORDERS:

1. Transferor's application to transfer Certificate No. 83-C to Transferee is approved.
2. Transferee 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. Transferor shall surrender Certificate No. 83-C, and a certificate reflecting the operating authority granted by this Decision and Order shall be issued to Transferee.


4. Transferor shall file with the commission its annual financial report for the period of operation from January 1, 2005, to the effective date of this Decision and Order, and shall pay the associated motor carrier gross revenue fee.

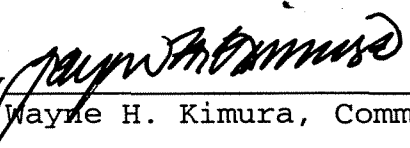
5. Transferor and Transferee shall comply with the foregoing requirements within one hundred and twenty (120) days after service of this Decision and Order. Failure to comply within the time specified constitutes cause for this commission to void this Decision and Order.

6. Transferee 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 OCT 12 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

05-0127.sl

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 22070 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

SHERMAN ENTERPRISES, INC., dba
CITY WIDE TRANSPORTATION COMPANY
ATTN: MIKE SHERMAN
933-A North Nimitz Highway
Honolulu, HI 96817

HONOLULU FREIGHT SERVICE, INC.
ATTN: MICHAEL BEIDLEMAN / THOMAS BEAVER
2326 Airport Way South
Seattle, WA 98134

WILLIAM W. MILKS, ESQ.
ASB Tower, Suite 977
1001 Bishop Street
Honolulu, HI 96813



Karen Higashi

DATED: OCT 12 2005