



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of)	)	
DEPENDABLE HAWAIIAN EXPRESS -	)	
BIG ISLAND, INC.	)	Docket No. 05-0278
	)	
For Temporary Common Carrier	)	Decision and Order No. 22205
Authority.	)	
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DECISION AND ORDER

By this Decision and Order, the commission grants DEPENDABLE HAWAIIAN EXPRESS - BIG ISLAND, INC. ("Applicant") temporary authority to operate as a common carrier of property by motor vehicle over irregular routes on the island of Hawaii in the general commodities and dump truck classifications, subject to certain conditions, as described herein.

I.

Application for Temporary Common Carrier Authority

On November 4, 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 Hawaii in the general commodities and dump truck classifications. 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., Docket No. 96-0437, Decision and Order No. 15274 (December 23, 1996). Moreover, the commission may, at its discretion, grant temporary authority without hearings or other proceedings. HRS § 271-16.

Upon review, we find that Applicant meets the criteria for temporary authority set forth in HRS § 217-16. Applicant's proposed service is immediately and urgently needed because its related corporation, Dependable Hawaiian Express ("DHX"), is unable to find a suitable agent to service its immediate needs on the island of Hawaii. Its former agent, Tri-K Investments LLC ("Tri-K"), is going into bankruptcy and is ceasing operation. Because it could not find a suitable agent, DHX incorporated a separate corporation, Applicant, to act as its agent. DHX is currently negotiating for the purchase of Tri-K's trucking business, thus, there is an additional immediate and urgent need for Applicant's proposed operations to service

the consumers of Tri-K. 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 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 Hawaii in the general commodities and dump truck classifications. 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.

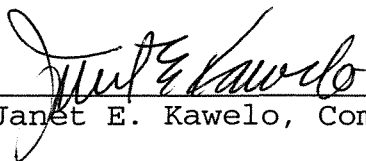
4. Applicant shall not commence operations under this Decision and Order until it has received written confirmation from the commission that all requirements have been met.

DONE at Honolulu, Hawaii December 29, 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:

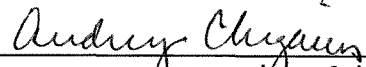
  
Stacey Kawasaki Djou  
Commission Counsel

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 22205 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

DEPENDABLE HAWAIIAN EXPRESS -  
BIG ISLAND, INC.  
c/o BRAD DECHTER - PRESIDENT  
19201 Susana Road  
Rancho Dominguez, CA 90221

  
for Karen Higashi

DATED: December 29, 2005