

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
ISLAND MOVERS, INC.)
For Temporary Common Carrier)
Authority.)
_____)

DOCKET NO. 2006-0143

DECISION AND ORDER NO. 22531

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

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Filed June 13, 2006
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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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In the Matter of the Application of)
ISLAND MOVERS, INC.)
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Docket No. 2006-0143
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DECISION AND ORDER

By this Decision and Order, the commission grants ISLAND MOVERS, 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 classification, subject to certain conditions, as described herein.

I.

Application for Temporary Common Carrier Authority

By Application filed on May 30, 2006, and amended on May 31, 2006, Applicant requests 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 classification. The application is made pursuant to Hawaii Revised Statutes ("HRS") § 271-16. Applicant is currently the holder of certificate of public convenience and necessity number 71-C, which authorizes Applicant to transport property by motor vehicle over irregular routes on the islands of Oahu and

Maui in the general commodities and household goods classifications.

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.

Applicant represents that it is currently under contract with Home Depot U.S.A., Inc. ("Home Depot") to provide delivery services on the island of Hawaii. Initially, Applicant subcontracted the delivery services to Kona Transportation Co., Inc. ("KT") and Direct Freight Service Hawaii, Inc. ("DFS"), but both companies could not provide adequate service. KT had a shortage of drivers and lacked the correct equipment (Home Depot requires a flatbed with tandem forklift) and DFS's charges exceeded revenues by about \$1,000 per week. Applicant represents that it contacted a number of other companies, i.e., Royal Hawaiian Movers, Inc., Big Isle Moving & Draying, Inc.,

Air Freight Specialists, Conen's Freight Transport, Inc., Resort Management Group, Dependable Hawaiian Express - Big Island, Inc., H. Kono, Inc., dba HITCO Moving & Storage Company, Mihara Transfer, Inc., Big Island Parcel Service, Inc., and Yamada Transfer, Inc., however, only one of these companies had the proper equipment and it refused the job because it had too much other work. Applicant maintains that it is currently the only company that has the proper equipment and the ability to provide services at a reasonable rate to Home Depot on the island of Hawaii.

Upon review, we find that Applicant meets the criteria for temporary authority set forth in HRS § 217-16. First, Applicant's proposed transportation service, pursuant to its contract with Home Depot, is immediately and urgently needed. Second, it appears, as set forth above, that there are no other carriers available to meet the transportation needs of Home Depot on the island of Hawaii. 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 Hawaii 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.

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 vacate this Decision and Order.

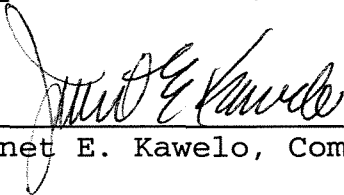
4. Applicant shall not commence operations in the general commodities classification on the island of Hawaii until it has received written confirmation from the commission that all requirements have been met.

DONE at Honolulu, Hawaii JUN 13 2006.

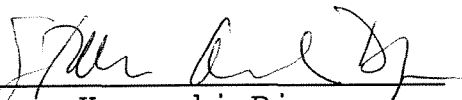
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

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

2006-0143.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 22531 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

JOHN E. COLE, EXECUTIVE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
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LANCE TERAYAMA, PRESIDENT
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P. O. Box 17865
Honolulu, HI 96817



Karen Higashi

DATED: JUN 13 2006