

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
MERLIN L. PETERS, dba)
G. P. SERVICE)
For Modification of Authority.)

DOCKET NO. 2006-0336

DECISION AND ORDER NO. 23178

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

Filed Dec. 29, 2006
At 11 o'clock A .M.

Karen Higashi
Chief Clerk of the Commission

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

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ATTEST: A True Copy
KAREN HIGASHI
Chief Clerk, Public Utilities
Commission, State of Hawaii.

K. Higashi

August 17, 2006, Applicant filed an application seeking commission approval to change his existing authority as a contract carrier under Permit No. 641-P to that of a common carrier of property by motor vehicle in the general commodities classification over irregular routes on the islands of Kauai, Oahu, Maui, Lanai, Molokai, and Hawaii.

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 ("Consumer Advocate"). The Consumer Advocate did not participate in this proceeding, and no persons moved to intervene in this docket.

II.

Findings and Conclusions

First, we will consider Applicant's request for common carrier authority in the general commodities classification on the island of Oahu. Based upon our review of the record, we find that Applicant is fit, willing, and able to properly perform the proposed service, and to conform to HRS chapter 271 and the requirements and rules of the commission. We also find that the proposed service is required by the present and future public convenience and necessity. Accordingly, we conclude that Applicant's request for common carrier authority in the general commodities classification on the island of Oahu should be granted.

In regard to Applicant's request to expand his operations as a common carrier in the general commodities classification to the Neighbor Islands, Applicant represents that he does not intend to open up offices or operate a business on any of the Neighbor Islands. Applicant's intention is to only complete specific jobs that originate on the island of Oahu. Applicant's current operation includes transporting precast and pre-stressed concrete products for GPRM Prestress ("GPRM") utilizing flatbed trailers, jeeps and steerables which were specially made to transport these products. On occasion GPRM ships its products to the Neighbor Islands by barge. On these occasions, Applicant transports GPRM's products to the barge where the products remain on Applicant's motor carrier equipment. As Applicant's current authority does not allow him to complete the delivery to the jobsite on the Neighbor Islands, Applicant must hire another trucking firm to pull his equipment to the customer jobsite. This adds additional costs to the entire job, and because the job requires a certain expertise, Applicant must scrutinize the trucking firm for its qualifications to provide an experienced operator to safely control his equipment. Applicant represents that to turn this equipment over to an inexperienced trucker that has never utilized and operated this type of specialized equipment would not only jeopardize the safety of the operator, but would create undue liability for the trucking firm.

Based upon our review of Applicant's request to expand his operations to the Neighbor Islands, we find that Applicant is fit, willing, and able to properly perform the proposed service,

and to conform to HRS chapter 271 and the requirements and rules of the commission. We also find that the proposed service is required by the present and future public convenience and necessity. The commission notes, however, that the general commodities authority requested by Applicant for his Neighbor Island operations exceeds that required to perform the service. Since Applicant proposes to transport only precast and pre-stressed concrete products on the Neighbor Islands, Applicant's authority should be limited to the specific commodities (precast and pre-stressed concrete products) classification. Accordingly, the commission finds that Applicant's request for operating authority on the Neighbor Islands, as limited by this Decision and Order, should be granted.

III.

Orders

THE COMMISSION ORDERS:

1. Applicant is authorized to change his existing authority as a contract carrier of property under Permit No. 641-P to that of a common carrier of property by motor vehicle over irregular routes (1) on the island of Oahu in the general commodities classification, and (2) on the Neighbor Islands in the specific commodities (precast and pre-stressed concrete products) classification.

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 for the Neighbor Islands.

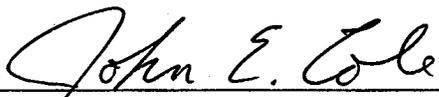
3. Applicant shall comply with the foregoing requirements within one hundred and twenty (120) days after service of this Decision and Order. Failure to comply within the time specified constitutes cause for this commission to vacate this Decision and Order.

4. Applicant shall not commence operations as a common carrier until it has received written confirmation from the commission that all requirements have been met.

DONE at Honolulu, Hawaii DEC 29 2006.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
John E. Cole, Commissioner

APPROVED AS TO FORM:


Stacey Kawasaki Djou
Commission Counsel

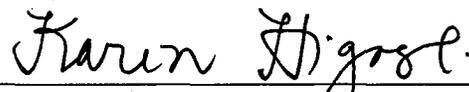
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CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 23178 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

CATHERINE P. AWAKUNI
EXECUTIVE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
P. O. Box 541
Honolulu, HI 96809

MERLIN L. PETERS, DBA
G. P. SERVICE
59-610 Maulukua Place
Haleiwa, HI 96712



Karen Higashi

DATED: DEC 29 2006