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

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of )  
 )  
PATTERSON CONSTRUCTION )  
& TRUCKING, INC. )  
 )  
To Sell, Lease, Assign, Mortgage or )  
Otherwise Dispose of, or Encumber )  
The Whole or Any Part of Its )  
Property, Certificate, or Permit. )  
\_\_\_\_\_ )

DOCKET NO. 2006-0415

DECISION AND ORDER NO. 23288

Filed March 5, 2007  
At 2 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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Property, Certificate, or Permit. )  
\_\_\_\_\_ )

Docket No. 2006-0415  
Decision and Order No. **23288**

DECISION AND ORDER

By this Decision and Order, the commission approves the transfer of certificate of public convenience and necessity number 4048-C ("Certificate No. 4048-C") from PATTERSON CONSTRUCTION & TRUCKING, INC. ("Transferor") to TRI-L CONSTRUCTION, INC. ("Transferee"), subject to certain conditions, as described herein.

I.

Application to Transfer Common Carrier Authority

On October 18, 2006, Transferor filed an application seeking commission approval to transfer Certificate No. 4048-C to Transferee, pursuant to Hawaii Revised Statutes ("HRS") § 271-18. Under Certificate No. 4048-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 Molokai in the general commodities, household goods, and dump truck 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. 4048-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. 4048-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, filing a lawful tariff, paying a

fee of \$20 for motor carrier gross revenues, and filing the appropriate insurance documents.

3. Transferor shall file with the commission its annual financial report for the period of operation from January 1, 2007, to the effective date of this Decision and Order, and shall pay the associated motor carrier gross revenue fee.

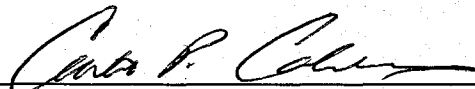
4. Transferor shall file an annual financial report for the calendar year 2006, and pay the associated motor carrier gross revenue fee for the calendar year 2006 by April 30, 2007.

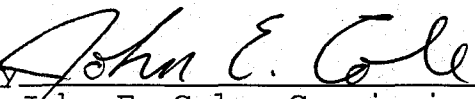
5. Transferor and Transferee shall comply with the foregoing requirements within one hundred and twenty (120) days after service of this Decision and Order. Failure to comply within the time specified constitutes cause for this commission to vacate this Decision and Order.

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.

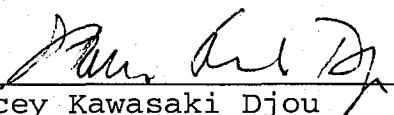
DONE at Honolulu, Hawaii MAR - 5 2007.

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

2006-0415.sl

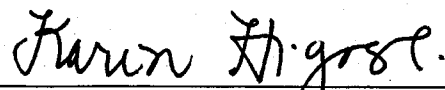
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 23288 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

DAVID PATTERSON  
PRESIDENT  
PATTERSON CONSTRUCTION & TRUCKING, INC.  
P. O. Box 6067  
Kamuela, HI 96743

DARRYL LEER  
PRESIDENT  
TRI-L CONSTRUCTION, INC.  
P. O. Box 898  
Kaunakakai, HI 96748

  
\_\_\_\_\_  
Karen Higashi

DATED: MAR - 5 2007