

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
)
KELII KAI TRUCKING, LLC)
)
For a Motor Carrier Certificate or)
Permit.)
_____)

DOCKET NO. 2007-0311

DECISION AND ORDER NO. 23848

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

2007 NOV 21 A 9:17

RECEIVED

Filed Nov. 20, 2007
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
OF THE STATE OF HAWAII

In the Matter of the Application of)
 KELII KAI TRUCKING, LLC)
For a Motor Carrier Certificate or)
Permit.)
_____)

Docket No.2007-0311
Decision and Order No. 23848

DECISION AND ORDER

By this Decision and Order, the commission grants KELII KAI TRUCKING, LLC ("Applicant") a certificate of public convenience and necessity ("Certificate") 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 Common Carrier Authority

On September 10, 2007, Applicant filed an application requesting a Certificate to operate as a common carrier of property by motor vehicle over irregular routes on the island of Hawaii in the general commodities, dump truck, and specific commodities (heavy machinery and equipment) classifications. The application is made pursuant to Hawaii Revised Statutes ("HRS") § 271-12.

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

Based upon our review of the record, we find that Applicant is fit, willing, and able to properly perform the proposed services, and to conform to HRS chapter 271 and the requirements and rules of the commission. We also find that the proposed services are required by the present and future public convenience and necessity. Accordingly, we conclude that Applicant's request for operating authority in the general commodities and dump truck classifications should be granted.

With respect to Applicant's request to operate as a common carrier of property in the specific commodities (heavy machinery and equipment) classification, the commission notes that the transportation of heavy machinery and equipment is allowed under Applicant's general commodities authority when granted. We, thus, find that Applicant's request to operate in the specific commodities (heavy machinery and equipment) classification is unnecessary and should be dismissed.

III.

Orders

THE COMMISSION ORDERS:

1. Applicant's request to operate as a common carrier of property by motor vehicle over irregular routes on the island of Hawaii in the specific commodities (heavy machinery and equipment) classification is dismissed.

2. Applicant is granted a Certificate 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.

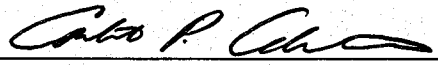
3. Applicant shall comply with all of the commission's requirements for common carriers by motor vehicle including, but not limited to, filing a lawful tariff, paying a fee of \$20 for motor carrier gross revenues, and filing the appropriate insurance documents.

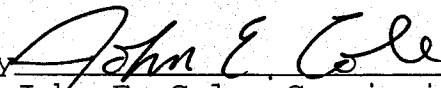
4. Applicant shall comply with the foregoing requirements within one hundred and twenty (120) days after service of this Decision and Order. Failure to comply within the time specified constitutes cause for this commission to vacate this Decision and Order.

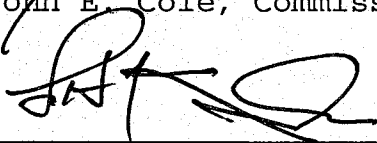
5. Applicant shall not commence operations under this Decision and Order until it has received written confirmation from the commission that all requirements have been met.

DONE at Honolulu, Hawaii NOV 20 2007.

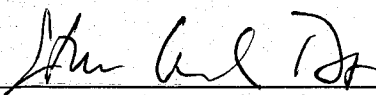
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
John E. Cole, Commissioner

By 
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:


Stacey Kawasaki Djou
Commission Counsel

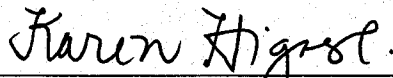
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CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 23848 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

KELII KAI TRUCKING, LLC
c/o ERNEST KELII
P.O. Box 6936
Hilo, HI 96720



Karen Higashi

DATED: NOV 20 2007