

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of )  
 )  
RICHARD COLBURN, dba )  
KANAIELA'S TRANSPORT HAWAII )  
 )  
To Sell, Lease, Assign, Mortgage or )  
Otherwise Dispose of, or Encumber )  
The Whole or Any Part of Its )  
Property, Certificate, or Permit. )  
\_\_\_\_\_ )

DOCKET NO. 2008-0066

DECISION AND ORDER

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DIV. OF PUBLIC UTILITIES AGENCY  
REGULATORY SERVICES DIV.  
150 SOUTH KING STREET, 15TH FLOOR  
HONOLULU, HAWAII 96813  
PHONE: 531-4700 FAX: 531-4701

PUBLIC UTILITIES  
COMMISSION

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FILED

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OF THE STATE OF HAWAII

In the Matter of the Application of)

RICHARD COLBURN, dba )  
KANAIELA'S TRANSPORT HAWAII )

Docket No. 2008-0066

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Otherwise Dispose of, or Encumber )  
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Property, Certificate, or Permit. )

DECISION AND ORDER

By this Decision and Order, the commission approves the transfer of certificate of public convenience and necessity number 2228-C ("Certificate No. 2228-C") from RICHARD COLBURN, dba KANAIELA'S TRANSPORT HAWAII ("Transferor"), to KANAIELA'S TRANSPORT HAWAII, LLC ("Transferee"), subject to certain conditions, as described herein.

I.

Application to Transfer Common Carrier Authority

On April 10, 2008, Transferor filed an application seeking commission approval to transfer Certificate No. 2228-C to Transferee, pursuant to Hawaii Revised Statutes ("HRS") § 271-18. Under Certificate No. 2228-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 Oahu in the specific commodities (construction equipment) 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. 2228-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. 2228-C to Transferee is approved.
2. Within one hundred and twenty (120) days after service of this Decision and Order, Transferee shall:
  - a. Complete and submit the enclosed insurance forms: (a) Uniform Motor Carrier Bodily Injury and Property Damage Certificate of Insurance (WC-3539), (b) Uniform Motor

Carrier Bodily Injury and Property Damage Liability Endorsement (WC-3538), (c) Motor Carrier Cargo Certificate of Insurance (MCB-8), and (d) Motor Carrier Cargo Insurance Endorsement (MCB-9). The forms should include the policy number and be completed and signed by Transferee's insurance agent or company; or they will be rejected.<sup>1</sup>

- b. File a tariff in accordance with Hawaii Administrative Rules, Chapter 6-63.
- c. Complete and submit the enclosed "Vehicle Inventory List" form. Transferee shall list all vehicles, including trailers, that it intends to use in the proposed operation. The vehicles utilized must be registered under the name of the limited liability company. If Transferee chooses to lease any vehicle, it is required to complete and submit a "Motor Vehicle Equipment Lease" form. The form is available on the commission's website at [www.hawaii.gov/budget/puc](http://www.hawaii.gov/budget/puc).
- d. Submit a copy of the current Certificate of Registration or ownership document for all vehicles listed on the Vehicle Inventory List.

3. Within one hundred and twenty (120) days after service of this Decision and Order, Transferor shall:

- a. File his annual financial report for the period of operation from January 1, 2008, to the effective date of this Decision and Order, and pay the associated motor carrier gross revenue fee.

4. 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 may constitute cause for this commission to vacate this Decision and Order.

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<sup>1</sup>An explanation of the liability and cargo insurance coverage requirements is attached to this Decision and Order.

5. 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 JUN 26 2008

PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By *Carlito P. Caliboso*  
Carlito P. Caliboso, Chairman

By *John E. Cole*  
John E. Cole, Commissioner

By *Leslie H. Kondo*  
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:

*Stacey Kawasaki Djou*  
Stacey Kawasaki Djou  
Commission Counsel

2008-0066.cp

CERTIFICATE OF SERVICE

The foregoing order was served on the date of filing by mail, postage prepaid, and properly addressed to the following parties:

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

RICHARD COLBURN, dba  
KANAIELA'S TRANSPORT HAWAII  
47-510 Mapele Road  
Kaneohe, HI 96744

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