

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
PALING & SONS TRUCKING)
& EQUIPMENT RENTAL)
To Sell, Lease, Assign, Mortgage or)
Otherwise Dispose of, or Encumber)
The Whole or Any Part of Its)
Property, Certificate, or Permit.)

Docket No. 2008-0057

DECISION AND ORDER

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

PUBLIC UTILITIES
COMMISSION

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FILED

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_____)

Docket No. 2008-0057

DECISION AND ORDER

By this Decision and Order, the commission approves the transfer of certificate of public convenience and necessity number 2105-C ("Certificate No. 2105-C") from PALING & SONS TRUCKING & EQUIPMENT RENTAL ("Transferor") to PALING AND SONS TRUCKING AND EQUIPMENT RENTALS, LLC ("Transferee"), subject to certain conditions, as described herein.

I.

Application to Transfer Common Carrier Authority

On March 28, 2008, Transferor filed an application seeking commission approval to transfer Certificate No. 2105-C to Transferee, pursuant to Hawaii Revised Statutes ("HRS") § 271-18. Under Certificate No. 2105-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 material and heavy equipment) and dump truck classifications.¹

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. 2105-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.

¹By Decision and Order No. 13775, filed on February 17, 1995, in Docket No. 94-0324, Transferor was granted a Certificate to operate as a common carrier of property by motor vehicle over irregular routes on the island of Oahu in the specific commodities (construction and heavy equipment) and dump truck classifications. Transferor's application at page 3 erroneously identifies Transferor's operating authorities under Certificate No. 2105-C as the general commodities and dump truck classifications.

III.

Orders

THE COMMISSION ORDERS:

1. Transferor's application to transfer Certificate No. 2105-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.²
- b. File a tariff in accordance with Hawaii Administrative Rules, Chapter 6-63. As the application indicates that Transferee will be participating in the tariff published by the Western Motor Tariff Bureau, Inc. ("WMTB"), Transferee shall submit an executed Rate and Tariff Agreement or a tariff scope sheet confirming Applicant's membership in the tariff bureau.³
- c. Complete and submit the enclosed "Vehicle Inventory List" form. Transferee shall list all vehicles that it intends to use in the proposed operation. The vehicles utilized must be registered under the name of the Transferee. If Transferee chooses to lease any vehicle, it is required to complete and

²An explanation of the liability and cargo insurance coverage requirements is attached to this Decision and Order.

³WMTB may be contacted at 836-5874, or toll free at (866) 585-5874, for more information.

submit a "Motor Vehicle Equipment Lease" form. The form is available on the commission's website at 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 its 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.

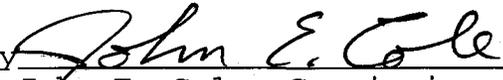
4. Transferor and Transferee shall comply with the foregoing requirements within one hundred and twenty (120) days after service of this Decision and Order. Failure to comply within the time specified may constitute cause for this commission to vacate this Decision and Order.

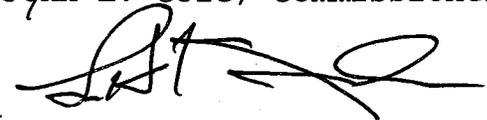
5. Transferee shall not commence operations under this Decision and Order until it has received written confirmation from the commission that all requirements have been met.

DONE at Honolulu, Hawaii JUL 21 2008.

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

2008-0057.laa

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

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Honolulu, HI 96813