

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
TAHARA TRANSPORT, LLC)
For Temporary Extension of Common)
Carrier Authority.)
_____)

DOCKET NO. 2008-0156

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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OF THE STATE OF HAWAII

In the Matter of the Application of))
TAHARA TRANSPORT, LLC) Docket No. 2008-0156
For Temporary Extension of Common)
Carrier Authority.)
_____)

DECISION AND ORDER

By this Decision and Order, the commission grants TAHARA TRANSPORT, LLC ("Applicant"), temporary authority to extend its authority under certificate of public convenience and necessity number 5234-C ("Certificate No. 5234-C") to include the general commodities classification on the island of Oahu, subject to certain conditions, as described herein.

I.

Application for Temporary Common Carrier Authority

Applicant is a common carrier of property by motor vehicle over irregular routes on the island of Hawaii in the general commodities classification. On August 8, 2008, Applicant filed an application requesting temporary authority to extend its authority under Certificate No. 5234-C to include the general commodities classification on the island of Oahu. The application was filed pursuant to Hawaii Revised Statutes ("HRS") § 271-16.

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.

II.

Findings and Conclusions

For a grant of temporary operating authority pursuant to HRS § 271-16, an applicant must satisfy two conditions. First, the applicant must establish that there is "an immediate and urgent need" for the proposed service. Second, the applicant must demonstrate "[an] absence of carrier service capable of meeting the need between points or in the territory where the temporary service will be instituted." See In re Robert's Tours & Transportation, Inc., Decision and Order No. 15274, Docket No. 96-0437 (December 23, 1996). Moreover, the commission may, at its discretion, grant temporary authority without hearings or other proceedings. HRS § 271-16.

Upon review, we find that Applicant meets the criteria for temporary authority as set forth in HRS § 271-16. Applicant proposes to transport new and used automobiles on specially constructed auto frame carriers on the island of Oahu. Applicant represents that its proposed service is immediately and urgently needed because PJK Investments, Inc., dba Thrifty Auto Carriers ("Thrifty"), ceased operations on July 31, 2008, and that to Applicant's knowledge Thrifty was the only certificated carrier capable of carrying automobiles on specially designed and

constructed auto frame carriers on the island of Oahu. The immediate and urgent need for Applicant's service is compounded due to the unfortunate timing of Thrifty's termination of services. New model vehicles arrive in Hawaii from August through November and during this same time period rental car agencies are returning their 2007-2008 model rental cars to the mainland for sale. Letters of support from The Pasha Group and Tony Group AutoPlex both indicate that they plan to utilize Applicant's services, and due to the closure of Thrifty, state that the commission's rapid approval of Applicant's application is critical for the continued delivery of new and used automobiles as they arrive from the mainland.

Pursuant to HRS § 271-16, the commission may grant temporary authority to an applicant for no more than one hundred and twenty (120) days. The commission concludes, therefore, that since Applicant satisfied the requirements for a grant of temporary authority pursuant to HRS § 271-16, it should be granted temporary authority for a period of one hundred twenty (120) days.

III.

Orders

THE COMMISSION ORDERS:

1. Applicant is granted temporary authority to operate as a common carrier of property by motor vehicle over irregular routes on the island of Oahu in the general commodities classification. The temporary authority shall be valid for no more than one hundred twenty (120) days from the date of this

Decision and Order, in accordance with HRS § 271-16. However, the temporary authority may be terminated for good cause, including, but not limited to, Applicant's failure to comply with the motor carrier laws or the commission's rules or orders.

2. Within fifteen (15) days after service of this Decision and Order, Applicant shall:


- a. Provide the address of its physical facilities/base yard on the island of Oahu.
- b. Submit (1) a copy of the current Certificate of Registration or ownership document for the vehicles listed on its Vehicle Inventory List (Exhibit B) that Applicant proposes to utilize on the island of Oahu, and (2) a copy of the lease agreement for the 2000 International 8100.

3. Applicant shall comply with the foregoing requirements within fifteen (15) 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.

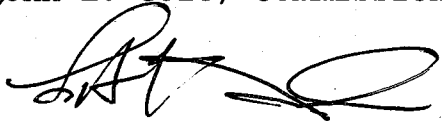
4. Applicant shall not commence operations under this Decision and Order until it has received written confirmation from the commission that all requirements have been met.

DONE at Honolulu, Hawaii AUG 29 2008.

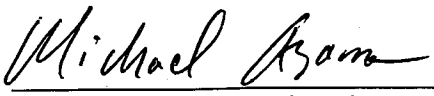
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
John E. Cole, Commissioner

By 
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:


for Stacey Kawasaki Djou
Commission Counsel

2008-0156.ps

CERTIFICATE OF SERVICE

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

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