

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
VOLCANO PACIFIC CONSTRUCTION)
SERVICES, LLC)
For a Motor Carrier Certificate or)
Permit.)
_____)

DOCKET NO. 2008-0119

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)
VOLCANO PACIFIC CONSTRUCTION) Docket No. 2008-0119
SERVICES, LLC)
For a Motor Carrier Certificate or)
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_____)

DECISION AND ORDER

By this Decision and Order, the commission grants VOLCANO PACIFIC CONSTRUCTION SERVICES, 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 Oahu in the general commodities classification, subject to certain conditions, as described herein.

I.

Application for Common Carrier Authority

On June 18, 2008, Applicant filed an application requesting a Certificate to operate as a common carrier of property by motor vehicle in the general commodities classification over irregular routes on the islands of Kauai, Oahu, Maui, Molokai, Lanai, and Hawaii. The application was filed 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"). On June 23, 2008, the Consumer Advocate informed the commission that it will not participate in this proceeding.

On July 17, 2008, Edwin Deluz Trucking & Gravel, LLC ("EDT&G") filed a motion to intervene in this proceeding. On October 23, 2008, the commission issued an Order denying EDT&G's motion to intervene. On October 31, 2008, Applicant amended its application to indicate that it was only applying for authority on the island of Oahu.

II.

Findings and Conclusions

Based upon our review of the record, the commission finds that Applicant is fit, willing, and able to properly perform the proposed service, and to conform to HRS Chapter 271 and the requirements and rules of the commission. The commission also finds that the proposed service is required by the present and future public convenience and necessity. Accordingly, the commission concludes that Applicant's request for operating authority should be granted.

III.

Orders

THE COMMISSION ORDERS:

1. Applicant is granted a Certificate to operate as a common carrier of property by motor vehicle over irregular routes on the island of Oahu in the general commodities classification.

2. Within one hundred and twenty (120) days after service of this Decision and Order, Applicant 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 Applicant's insurance agent or company; or they will be rejected.¹
- b. File a tariff in accordance with Hawaii Administrative Rules, Chapter 6-63. As the application indicates that Applicant will be participating in the tariff published by the Western Motor Tariff Bureau, Inc. ("WMTB"), Applicant shall submit an executed Rate and Tariff Agreement or a tariff scope sheet confirming Applicant's membership in the tariff bureau.²
- c. Complete and submit the enclosed "Vehicle Inventory List" form. Applicant shall list all vehicles that it intends to use in the proposed operation. The vehicles utilized must be registered under the name of the limited liability company.

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

²WMTB may be contacted at 836-5874, or toll free at (866) 585-5874, for more information.

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
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