

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of )  
HMS CONSTRUCTION, INC. )  
For a Motor Carrier Certificate or )  
Permit. )  
\_\_\_\_\_ )

DOCKET NO. 2007-0378

DECISION AND ORDER NO. 24047

Filed Feb. 20, 2008  
At 12 o'clock P.M.

Karen Higashi.  
Chief Clerk of the Commission

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2008 FEB 21 A 0:58

DIV. OF BUSINESS ADVOCACY  
BUILDING, REPAIR AND  
CONSTRUCTION

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 )  
HMS CONSTRUCTION, INC. )  
For a Motor Carrier Certificate or )  
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Docket No. 2007-0378  
Decision and Order No. 24047

DECISION AND ORDER

By this Decision and Order, the commission grants HMS COONSTRUCTION, INC. ("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 and dump truck classifications, subject to certain conditions, as described herein.

I.

Application for Common Carrier Authority

On November 8, 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 Oahu in the general commodities, dump truck, and specific commodities (heavy machinery and equipment, palletized construction supplies, and demolition materials) 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, palletized construction supplies, and demolition materials) classification, the commission notes that the transportation of heavy machinery and equipment, palletized construction supplies, and demolition materials, 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, palletized

construction supplies, and demolition materials) 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 Oahu in the specific commodities (heavy machinery and equipment, palletized construction supplies, and demolition materials) 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 Oahu 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.

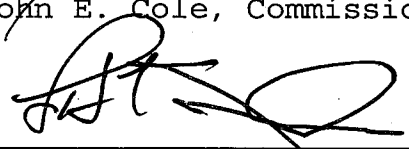
5. Applicant shall not commence operations under this Decision and Order until it has received written confirmation from the commission that all requirements have been met.

DONE at Honolulu, Hawaii FEB 20 2008.

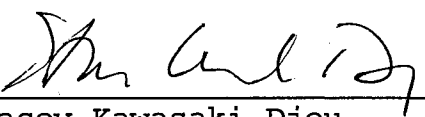
PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Carlito P. Caliboso, Chairman

By   
John E. Cole, Commissioner

By   
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:

  
Stacey Kawasaki Djou  
Commission Counsel

2007-0378.cp

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 24047 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

HMS CONSTRUCTION INC.  
c/o MIKE HIGH  
4629 Catlin Drive  
Honolulu, HI 96818

  
\_\_\_\_\_  
Karen Higashi

DATED: FEB 20 2008