

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
)
DEPENDABLE HAWAIIAN EXPRESS, INC.)
)
 dba DHX)
)
For Extension of Motor Carrier)
Certificate.)
_____)

DOCKET NO. 2008-0295

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)
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DEPENDABLE HAWAIIAN EXPRESS, INC.) Docket No. 2008-0295
 dba DHX)
)
For Extension of Motor Carrier)
Certificate.)
_____)

DECISION AND ORDER

By this Decision and Order, the commission authorizes DEPENDABLE HAWAIIAN EXPRESS, INC., dba DHX ("Applicant"), to extend its authority under certificate of public convenience and necessity number 95-C ("Certificate No. 95-C") to include the general commodities classification on the islands of Maui and Hawaii, subject to certain conditions, as described herein.

I.

Application to Extend Common Carrier Authority

Applicant is a common carrier of property by motor vehicle over irregular routes on the island of Oahu in the general commodities classification. On November 24, 2008, Applicant filed an application seeking commission approval to extend its authority under Certificate No. 95-C to include the transportation of general commodities between the islands of Oahu and Maui, and between the islands of Oahu and Hawaii, via the Superferry system. In addition, Applicant requests that the

commission grant it temporary authority to transport general commodities between the islands of Oahu and Maui via the Superferry system.

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

Upon review of Applicant's request for an extension of its authority on a permanent basis, the commission finds that Applicant is fit, willing, and able to properly perform the proposed service, and to conform to Hawaii Revised Statutes 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 an extension of its authority should be granted.

With respect to Applicant's request for temporary authority, the commission's approval of Applicant's request for an extension of its authority on a permanent basis renders moot Applicant's request for temporary authority.

III.

Orders

THE COMMISSION ORDERS:

1. Applicant is authorized to operate as a common carrier of property by motor vehicle over irregular routes on the islands of Oahu, Maui, and Hawaii, in the general commodities classification.

2. Applicant's request for temporary authority is dismissed as moot.

3. 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) Motor Carrier Cargo Certificate of Insurance (MCB-8), and (b) 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 that reflects its new authority in the general commodities classification on the islands of Maui and Hawaii.

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

5. Applicant shall not commence operations in the general commodities classification on the islands of Maui and

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

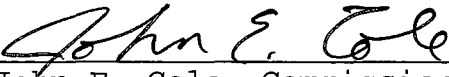
Hawaii until it has received written confirmation from the commission that all requirements have been met.

DONE at Honolulu, Hawaii

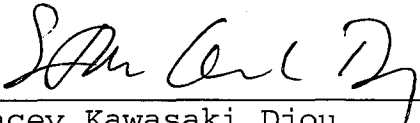
FEB 25 2009


PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
John E. Cole, Commissioner

APPROVED AS TO FORM:


Stacey Kawasaki Djou
Commission Counsel


By
Leslie H. Kondo, Commissioner

2008-0295.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:

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

DEPENDABLE HAWAIIAN EXPRESS, INC.
DbA DHX
c/o TIM FORKNER, REGIONAL MANAGER
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Kailua-Kona, HI 96740