

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
ED YAMASHIRO, INC.)
For Extension of Motor Carrier)
Certificate.)
_____)

DOCKET NO. 2008-0323

DECISION AND ORDER

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

PUBLIC UTILITIES
COMMISSION

2009 MAR 24 P 12:49

FILED

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OF THE STATE OF HAWAII

In the Matter of the Application of)
ED YAMASHIRO, INC.)
For Extension of Motor Carrier)
Certificate.)
_____)

Docket No. 2008-0323

DECISION AND ORDER

By this Decision and Order, the commission authorizes ED YAMASHIRO, INC. ("Applicant") to extend its authority under certificate of public convenience and necessity number 102-C ("Certificate No. 102-C") to include the general commodities classification on the islands of Kauai, Maui, Lanai, Molokai, 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 (1) island of Oahu in the general commodities and dump truck classifications, and (2) islands of Kauai, Maui, Lanai, Molokai, and Hawaii, in the specific commodities classification, limited to transporting heavy equipment and machinery exceeding one hundred (100) tons in weight, except when other common carriers are participating in the movement of disassembled loads, the disassembled part may be less than one hundred (100) tons.

On December 26, 2008, Applicant filed an application seeking commission approval to extend its authority under Certificate No. 102-C to include the general commodities and specific commodities (liquid fuel and products, heavy machinery and equipment, and construction materials) classifications on the islands of Kauai, Maui, Lanai, Molokai, and Hawaii.

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, the commission finds 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. The commission also finds that the proposed services are required by the present and future public convenience and necessity. Accordingly, the commission concludes that Applicant's request for operating authority in the general commodities classification on the islands of Kauai, Maui, Lanai, Molokai, and Hawaii, should be granted.

With respect to Applicant's request to operate as a common carrier of property in the specific commodities (liquid fuel and products, heavy machinery and equipment, and construction materials) classification on the islands of Kauai, Maui, Lanai, Molokai, and Hawaii, the commission notes that the transportation of liquid fuel and products, heavy machinery and equipment, and construction materials, is allowed under Applicant's general commodities authority when granted. The commission, thus, finds that Applicant's request to operate in the specific commodities (liquid fuel and products, heavy machinery and equipment, and construction 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 islands of Kauai, Maui, Lanai, Molokai, and Hawaii, in the specific commodities (liquid fuel and products, heavy machinery and equipment, and construction materials) classification is dismissed.

2. Applicant is authorized to operate as a common carrier of property by motor vehicle over irregular routes on the (1) island of Oahu in general commodities and dump truck

classifications, and (2) islands of Kauai, Maui, Lanai, Molokai, and Hawaii, in the general commodities classification.¹

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.²
- b. File a tariff that reflects its new authority in the general commodities classification on the islands of Kauai, Maui, Lanai, Molokai, and Hawaii.
- c. Complete and submit the enclosed "Vehicle Inventory List" form. Applicant shall indicate on which island its motor vehicles will be stationed. Applicant must have at least one motor vehicle permanently stationed on each of the islands in which it was granted authority to operate, i.e., Kauai, Maui, Lanai, Molokai, and Hawaii. The vehicles utilized must be registered under the name of the corporation. If Applicant chooses to lease any vehicle, it is required to complete and submit a "Motor Vehicle Equipment Lease" form. The form is available on the commission's website at www.hawaii.gov/budget/puc.
- d. Provide the addresses of its physical facilities/base yards for the islands of Kauai, Maui, Lanai, Molokai, and Hawaii.

4. Applicant shall comply with the foregoing requirements within one hundred and twenty (120) days after

¹Applicant's former specific commodities authority for the islands of Kauai, Maui, Lanai, Molokai, and Hawaii, is subsumed under its new general commodities authority.

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

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.

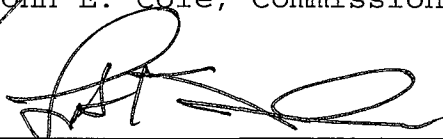
5. Applicant shall not commence operations in the general commodities classification on the islands of Kauai, Maui, Lanai, Molokai, and Hawaii, until it has received written confirmation from the commission that all requirements have been met.

DONE at Honolulu, Hawaii MAR 24 2009.


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

2008-0323.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:

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EXECUTIVE DIRECTOR
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DIVISION OF CONSUMER ADVOCACY
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