

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of)  
PACIFIC COURIER, INC. )  
For Temporary Extension of )  
Contract Carrier Authority. )  

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DOCKET NO. 2009-0301

INTERIM DECISION AND ORDER

FILED

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PUBLIC UTILITIES  
COMMISSION

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In the Matter of the Application of)  
PACIFIC COURIER, INC. ) Docket No. 2009-0301  
For Temporary Extension of )  
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\_\_\_\_\_ )

INTERIM DECISION AND ORDER

By this Interim Decision and Order, the commission grants PACIFIC COURIER, INC. ("Applicant"), temporary authority to provide contract carrier services in the specific commodities (cash and bank documents) classification on the islands of Kauai and Hawaii, pursuant to its contracts with the Bank of Hawaii ("BOH") and Central Pacific Bank ("CPB"), and subject to certain conditions, as described herein.

I.

Application for Temporary Extension of Common Carrier Authority

Applicant is the holder of Permit No. 659-P which authorizes it to (1) operate as a contract carrier of property over irregular routes on the islands of Oahu and Maui in the specific commodities (cash and bank documents) classification, pursuant to its contracts with BOH and American Savings Bank, and (2) provide contract carrier services to other financial institutions and organizations in the future, provided that (A) such services are limited to the transportation of specific

commodities (cash and bank documents) on the islands of Oahu and Maui, and (B) Applicant files executed contracts for such services with the commission prior to the commencement of such services. On October 19, 2009, Applicant filed an application seeking commission approval to extend its authority under Permit No. 659-P to (1) include the specific commodities [cash and bank documents] classification on the islands of Kauai, Lanai, Molokai, and Hawaii, under contract with BOH, and (2) include authorization to provide contract carrier services to other financial institutions and organizations in the future, provided that (A) such services are limited to the transportation of specific commodities [cash and bank documents] on the islands of Kauai, Lanai, Molokai, and Hawaii, and (B) Applicant files executed contracts for such services with the commission prior to the commencement of such services.

On November 2, 2009, applicant filed an amendment to its application, requesting that its application include a request for temporary authority to provide contract carrier services in the specific commodities (cash and bank documents) classification on the islands of Kauai and Hawaii, pursuant to its contracts with BOH and CPB. The amendment was filed pursuant to Hawaii Revised Statutes ("HRS") § 271-16.

## 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., Docket No. 96-0437, Decision and Order No. 15274 (December 23, 1996). Moreover, the commission may, at its discretion, grant temporary authority without hearings or other proceedings. HRS § 271-16.

Upon review, the commission finds that Applicant meets the criteria for temporary authority set forth in HRS § 217-16. Applicant states that it has executed a purchase agreement to acquire the assets of Elyte Pacific ATM Services ("Elyte"), which includes the assignment of the contracts Elyte had with BOH and CPB. As Applicant will need to start performance of these contracts beginning November 16, 2009, Applicant has amended its application to include temporary authority for the islands of Kauai and Hawaii so that it may provide service to BOH and CPB until such time that the commission grants Applicant a permanent extension of its authority under Permit No. 659-P to include these islands. Given that the contracts between Elyte and BOH and CPB are now assigned to Applicant, there is no other carrier, other than Applicant, that is capable of providing the services proposed by Applicant. The commission, thus, concludes that Applicant's request for temporary operating authority should be granted without hearings or other proceedings in this docket.

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 provide contract carrier services in the specific commodities (cash and bank documents) classification on the islands of Kauai and Hawaii, pursuant to contracts with BOH and CPB. 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. Submit a copy of the contracts between Elyte and BOH and CPB which now have been assigned to Applicant.
- b. Provide the addresses of its physical facilities on the island of Kauai and Hawaii.


- c. Complete and submit the enclosed "Vehicle Inventory List" form for the islands of Kauai and Hawaii, indicating which vehicles will be stationed on which island. The vehicles utilized must be registered under the name of the Applicant. 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](http://www.hawaii.gov/budget/puc).
- d. Submit a copy of the current Certificate of Registration or ownership document for all vehicles listed on the Vehicle Inventory List for Kauai and Hawaii.

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 on the islands of Kauai and Hawaii until it has received written confirmation from the commission that all requirements have been met.

DONE at Honolulu, Hawaii NOV 13 2009 .

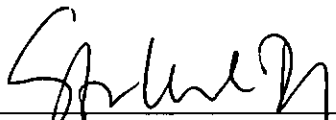
PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Carlito P. Caliboso, Chairman

By   
John E. Cole, Commissioner

By   
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:

  
Stacey Kawasaki Diou  
Commission Counsel

2009-0301.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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