BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
BIG ISLAND TOP SOIL LLC )
For Extension of Motor Carrier 
Certificate. )

DOCKET NO. 02-0094

DECISION AND ORDER NO. 19514

Filed August 14, 2002
At 8:00 o'clock A.M.

Karen Higashi
Chief Clerk of the Commission

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)
BIG ISLAND TOP SOIL LLC ) Docket No. 02-0094
) Decision and Order No. 19514
For Extension of Motor Carrier Certificate.

DECISION AND ORDER

I.

BIG ISLAND TOP SOIL LLC (Applicant) is a common carrier of property by motor vehicle over irregular routes on the islands of Oahu and Hawaii in the general commodities (excluding break bulk and delivery) and dump truck classifications. By an application filed on April 19, 2002, Applicant seeks commission approval to extend its authority under certificate of public convenience and necessity number 5129-C (Certificate No. 5129-C) to include the general commodities (excluding break bulk and delivery) and dump truck classifications on the islands of Kauai and Maui. Applicant represents that if its authority is extended as requested, it can meet customer demand for general freight and dump truck hauling on the islands of Kauai and Maui.

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

The application mistakenly identifies Applicant's Certificate No. as 5921-C.
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.

Based upon our review of the record, we find 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. We also find that the proposed service is required by the present and future public convenience and necessity. Accordingly, we conclude that Applicant's request for an extension of its authority should be granted.

III.

THE COMMISSION ORDERS:

1. Applicant is authorized to operate as a common carrier of property over irregular routes on the islands of Kauai, Oahu, Maui, and Hawaii, in the general commodities (excluding break bulk and delivery) and dump truck classifications.

2. Applicant shall surrender Certificate No. 5129-C, and an amended certificate reflecting the operating authority granted by this decision and order shall be issued.

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, filing the appropriate
insurance documents, registering and marking the appropriate motor vehicles, and complying with the safety requirements of the Motor Vehicle Safety Office, Department of Transportation, State of Hawaii.

4. Applicant shall comply with the foregoing requirements within 120 days after service of this decision and order. Failure to comply within the time specified constitutes cause for this commission to void 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 this 14th day of August, 2002.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By ____________________________
Wayne H. Kimura, Chairman

By ____________________________
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

Benedyne Stone
Commission Counsel
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 19514 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

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

BIG ISLAND TOPSOIL LLC
P. O. Box 1999
Honolulu, HI 96743

BILL BATHE
C/o PACIFIC ACADEMY &
ACCOUNTING SERVICES, INC.
87-979C Farrington Highway
Waianae, HI 96792

DATED: August 14, 2002

Catherine Sakato