

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
PACIFIC COURIER, INC.)
For a Motor Carrier Certificate or)
Permit.)
_____)

DOCKET NO. 02-0157

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

DECISION AND ORDER NO. 20068

Filed March 11, 2003
At 9:00 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)
PACIFIC COURIER, INC.) Docket No. 02-0157
For a Motor Carrier Certificate or) Decision and Order No. 20068
Permit.)
_____)

DECISION AND ORDER

I.

By application filed on June 19, 2002, (original application) and amended on January 27, 2003, (amended application),¹ PACIFIC COURIER, INC. (Applicant) requests a permit, pursuant to Hawaii Revised Statutes (HRS) § 271-13, to (1) operate as a contract carrier of property in the specific commodities (cash and bank documents) classification over irregular routes on the islands of Oahu and Maui, under contract with Bank of Hawaii (BOH) and American Savings Bank (ASB), and (2) provide contract carrier services for other financial institutions and organizations in the future, provided that Applicant files executed contracts for such services with the commission prior to commencement of such services.

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

¹The amendment consists of a change to Exhibit A of the original application, wherein Applicant stated that Island Movers was the sole stockholder of Applicant. By the amended application, Applicant represents that Island Movers "does not own any shares of [Applicant]."

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.

Applicant is an entity newly formed to conduct the contract delivery of documents, cash and supplies for BOH and ASB. Applicant is owned 100 per cent by the holding company HawkTree International (HawkTree). HawkTree also is the sole owner of Island Movers, Inc. (Island Movers). Island Movers is the holder of certificate of public convenience and necessity (CPCN) number 71-C, which authorizes it to operate as a common carrier of property in the general commodities and household goods classifications, on the islands of Oahu and Maui.

Island Movers presently is under contract to BOH and ASB to perform the transportation activities described by Applicant in the instant application. Upon approval from the commission in the instant docket, Applicant would assume the contract work for BOH and ASB currently being done by Island Movers. Island Movers would then be able to focus on its moving and hauling services, while Applicant could concentrate on its courier and armored car services. In addition, Applicant's non-union bank courier operations could be kept separate from the union operations of Island Movers.²

²See Applicant's letter to the commission dated October 1, 2002.

III.

In accordance with HRS § 271-15(2), a common carrier certificate and a contract carrier permit may be held concurrently by entities under common control if the commission finds, for good cause shown, that both a certificate and permit may be so held consistently with the public interest and the transportation policy declared in HRS chapter 271.³

Applicant's purpose for requesting a contract carrier permit is set forth in Section II, above. The commission, thus, finds that Applicant is fit, willing, and able to perform the proposed service as a contract carrier, and to conform to HRS chapter 271, and the requirements and rules of the commission. The commission also finds that the proposed services will meet the distinct needs of BOH and ASB, and pursuant to HRS § 271-13, will be consistent with the public interest and the transportation policy declared in HRS chapter 271.

The commission also finds, pursuant to HRS § 271-15, that there is good cause to grant Applicant's request to hold a contract carrier permit concurrently with Island Movers' holding of a common

³HRS § 271-15(2) states in part that unless good cause is shown:

No person or any person controlling, controlled by, or under common control with such person, shall hold a permit as a contract carrier authorizing operation for the transportation of property by motor vehicle within a territory, **if the person or any controlling person, controlled person, or person under common control, holds a certificate as a common carrier** authorizing operation for the transportation of property by motor vehicle within the same territory. (Emphasis added.)

carrier certificate and that Applicant's and Island Movers' authority are also consistent with the public interest and the transportation policy of HRS chapter 271. We, thus, conclude that Applicant's request for a contract carrier permit should be granted.

We also find that applicant should be allowed to provide contract carrier services to other financial institutions and organizations in the future, provided that (1) such services are limited to the transportation of specific commodities (cash and bank documents) on the islands of Oahu and Maui, and (2) Applicant files executed contracts for such services with the commission prior to the commencement of such services.

IV.

THE COMMISSION ORDERS:

1. Applicant is granted a permit to operate as a contract carrier of property in the specific commodities (cash and bank documents) classification, over irregular routes on the islands of Oahu and Maui, pursuant to its contract with the Bank of Hawaii and American Savings Bank.

2. Applicant may provide contract carrier services to other financial institutions and organizations in the future, provided that (1) such services are limited to the transportation of specific commodities (cash and bank documents) on the islands of Oahu and Maui, and (2) Applicant files executed contracts for such services with the commission prior to the commencement of such services.

3. Applicant shall comply with all of the commission's requirements for contract carriers by motor vehicle including, but not limited to, paying a fee of \$20 for motor carrier gross revenues, 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.

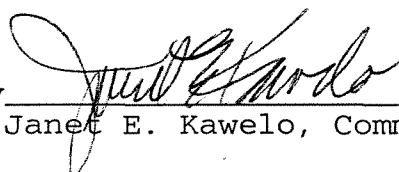
4. Applicant shall comply with the foregoing requirements within 120 days after service of this decision and order. Failure to comply within the time specified constitutes cause for this commission to void this decision and order.

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.

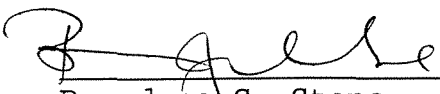
DONE at Honolulu, Hawaii this 11th day of March, 2003.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Wayne H. Kimura, Chairman

By 
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:


Benedyne S. Stone
Commission Counsel

By (RECUSED)
Gregg J. Kinkley, Commissioner

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 20068 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

DONN TAKAKI, VICE CHAIRMAN
PACIFIC COURIER, INC.
P. O. Box 17865
Honolulu, HI 96817



Karen Higashi

DATED: March 11, 2003