

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

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2003 APR 23 P 4:01

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

In the Matter of the Application of)
CHARLES PAUL DURKEE)
To Sell, Lease, Assign, Mortgage or)
Otherwise Dispose of, or Encumber)
The Whole or Any Part of Its)
Property, Certificate, or Permit.)

DOCKET NO. 03-0024

DECISION AND ORDER NO. 20146

Filed April 23, 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

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CHARLES PAUL DURKEE)
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Docket No. 03-0024
Decision and Order No. 20146

DECISION AND ORDER

I.

On February 5, 2003, CHARLES PAUL DURKEE (Transferor) filed an application seeking commission approval to transfer certificate of public convenience and necessity number 5126-C (Certificate No. 5126-C) to WHITNEY PACIFIC CORPORATION (Transferee) pursuant to Hawaii Revised Statutes (HRS) § 271-18. Under Certificate No. 5126-C, Transferor is authorized to operate as a common carrier of property by motor vehicle over irregular routes on the island of Hawaii in the dump truck classification.

Transferor served copies of the application on the Hawaii Transportation Association, which consists of carriers that may be affected by the proposed transfer, and on the Division of Consumer Advocacy, Department of Commerce and Consumer Affairs (Consumer Advocate). By a statement filed on February 10, 2003, the Consumer Advocate indicated that it will not participate in this proceeding. No persons moved to intervene in this docket.

II.

Upon review of Transferor's application, the commission finds that Transferee is fit, willing, and able to perform the services presently performed by Transferor, and that the proposed transfer of Certificate No. 5126-C is just and reasonable and will be consistent with the public interest. Accordingly, the commission concludes that the proposed transfer is in accordance with HRS § 271-18, and should, therefore, be approved.

III.

THE COMMISSION ORDERS:

1. Transferor's application to transfer Certificate No. 5126-C to Transferee is approved.

2. Transferor shall surrender Certificate No. 5126-C and an amended certificate reflecting the authority granted by this decision and order shall be issued to Transferee.

3. Transferee shall comply with all of the commission's requirements for common carriers by motor vehicle including, but not limited to, filing the appropriate insurance documents, paying a fee of \$20 for motor carrier gross revenues, 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. Transferor shall file an annual financial report for its operations covering the period from January 1, 2003, to the date of this decision and order. Transferor shall also pay the

appropriate motor carrier gross revenue fee for the period January 1, 2003, to the date of this decision and order.

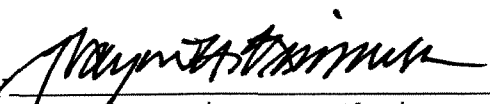
5. Transferor shall file the annual financial report for the calendar year 2002, and pay the appropriate gross revenue fee. The annual financial report and gross revenue fee for the calendar year 2001 must be filed with the commission **by April 30, 2003.**

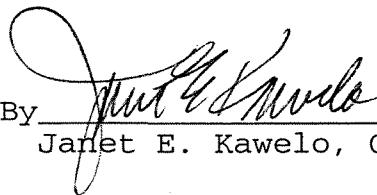
6. Transferor and Transferee shall comply with the requirements set forth in this decision and order within 120 days after service of this decision and order. Failure to comply within the time specified constitutes cause for the commission to void this decision and order.

7. Transferee shall not commence operations under this decision and order until it has received written confirmation from the commission that all requirements have been met.

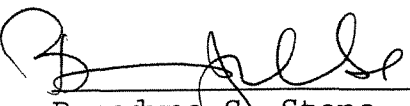
DONE at Honolulu, Hawaii this 23rd day of April, 2003.

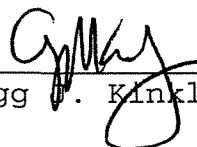
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Wayne H. Kimura, Chairman

By 
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:


Benedyne S. Stone
Commission Counsel

By 
Gregg W. Kinkley, Commissioner

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 20146 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

CHARLES PAUL DURKEE
76-6293 Kupuna Street
Kailua-Kona, HI 96740

WHITNEY PACIFIC CORPORATION
76-6293 Kupuna Street
Kailua-Kona, HI 96740



Karen Higashi

DATED: April 23, 2003