

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

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| In the Matter of the Request of |) | |
| |) | |
| RICHARD K. COLBURN, dba |) | |
| CAMCOR TRANSPORT HAWAII |) | Docket No. 01-0071 |
| |) | |
| To Reactivate Motor Carrier |) | |
| Certificate No. 261-C |) | |
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| In the Matter of the Application of |) | |
| |) | |
| RICHARD K. COLBURN, dba |) | |
| CAMCOR TRANSPORT HAWAII |) | Docket No. 03-0084 |
| |) | |
| To Sell, Lease, Assign, Mortgage or |) | (Consolidated) |
| Otherwise Dispose of, or Encumber |) | |
| The Whole or Any Part of Its |) | Decision and Order No. 20210 |
| Property, Certificate, or Permit. |) | |
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DECISION AND ORDER

I.

By Order No. 19298, filed on April 12, 2002, in Docket No. 01-0071, certificate of public convenience and necessity no. 261-C (Certificate No. 261-C), held by RICHARD K. COLBURN, dba CAMCOR TRANSPORT HAWAII (Petitioner), was placed on inactive status for a one year period, until April 10, 2003. By letter received by the commission on March 11, 2003, Petitioner requests reactivation of Certificate No. 261-C.

By an application filed on April 7, 2003, in Docket No. 03-0084, Petitioner seeks commission approval to transfer Certificate No. 261-C to ONIPA'A TRANSPORTATION CORPORATION (Transferee).

II.

Hawaii Administrative Rules (HAR) § 6-61-39 provides that the commission, upon its own initiative, may consolidate two or more proceedings that involve related questions of fact or law if it finds that the consolidation will be conducive to the proper dispatch of its business and to the ends of justice, and will not unduly delay the proceedings.

Upon review of the record, we find that Docket Nos. 01-0071 and 03-0084 involve related questions of fact and law. We also find that the consolidation of these proceedings will be conducive to the proper dispatch of the commission's business and the ends of justice, and will not unduly delay these proceedings.

Based on the foregoing, we conclude that Docket Nos. 01-0071 and 03-0084 should be consolidated.

III.

A.

Pursuant to Hawaii Revised Statutes (HRS) § 271-19, Petitioner may reactivate his certificate at any time prior to the expiration of the inactive period by filing a request to reactivate and by fulfilling the requirements for renewal. Based upon our review of the record, the commission finds that there is good cause to grant Petitioner's request to reactivate Certificate No. 261-C. Thus, we conclude that Certificate No. 261-C should be restored to active status.

B.

Petitioner seeks commission approval to transfer Certificate No. 261-C to Transferee pursuant to HRS § 271-18. Certificate No. 261-C authorizes Petitioner to operate as a common carrier of property by motor vehicle over irregular routes on the island of Oahu in the general commodities and dump truck classifications.

Petitioner 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 April 9, 2003, the Consumer Advocate indicated that it will not participate in this proceeding. No persons moved to intervene in this docket.

Upon review of Petitioner's application, the commission finds that Transferee is fit, willing, and able to perform the services presently performed by Petitioner, and that the proposed transfer of Certificate No. 261-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.

IV.

THE COMMISSION ORDERS:

1. Docket Nos. 01-0071 and 03-0084 are consolidated, pursuant to HAR § 6-61-39.
2. Certificate No. 261-C is restored to active status.

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3. Petitioner's application to transfer Certificate No. 261-C to Transferee is approved.

4. Petitioner shall surrender Certificate No. 261-C and an amended certificate reflecting the authority granted by this decision and order shall be issued to Transferee.


5. Transferee 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, 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.


6. Petitioner and Transferee shall comply with the requirements set forth herein 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.

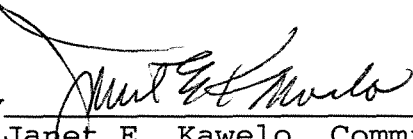
7. Transferee shall not commence operations under this decision and order until it has received written confirmation from the commission that all requirements have been met.

DONE at Honolulu, Hawaii this 30th day of May, 2003.

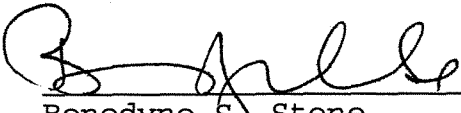
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Cariboso, Chairman

By 
Wayne H. Kimura, Commissioner

By 
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:


Benedyne S. Stone
Commission Counsel

01-0071&03-0084.sl

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No.20210 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

RICHARD K. COLBURN, dba
CAMCOR TRANSPORT HAWAII
P. O. Box 10201
Honolulu, HI 96816

GEORGE J. OSHIRO
PRESIDENT
ONIPA'A TRANSPORTATION CORPORATION
1005 Ala Lilikoi Street, #W-205
Honolulu, HI 96818



Karen Higashi

DATED: May 30, 2003