BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of

FRANK D. DUARTE, dba
DUARTE'S EQUIPMENT RENTAL

For a Motor Carrier Certificate or
Permit.

DECISION AND ORDER NO. 20307

Filed July 8, 2003
At 10:00 o'clock A.M.

Karen Higash
Chief Clerk of the Commission

ATTEST: A True Copy
KAREN HIGASHI
Chief Clerk, Public Utilities
Commission, State of Hawaii.
In the Matter of the Application of)  
FRANK D. DUARTE, dba  
DUARTE'S EQUIPMENT RENTAL)  
For a Motor Carrier Certificate or )  
Permit. )  

Docket No. 03-0085  
Decision and Order No. 20307

DECISION AND ORDER

I.

By an application filed on April 8, 2003, and amended on 
April 25, 2003, FRANK D. DUARTE, dba DUARTE'S EQUIPMENT RENTAL 
("Applicant"), requests a certificate of public convenience and 
necessity to operate as a common carrier of property by motor 
vehicle over irregular routes on the island of Hawaii in the dump 
truck and specific commodities (water, heavy machinery and 
equipment) classifications. The application is made pursuant to 
Hawaii Revised Statutes ("HRS") § 271-12.

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 
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 HRS 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 operating authority, as set forth in the application, should be granted.

III.

THE COMMISSION ORDERS:

1. Applicant is granted a certificate to operate as a common carrier of property by motor vehicle over irregular routes on the island of Hawaii in the dump truck and specific commodities (water, heavy machinery and equipment) classifications.

2. 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, 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.

3. 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.
4. Applicant shall not commence operations under this decision and order until he has received written confirmation from the commission that all requirements have been met.

DONE at Honolulu, Hawaii this 8th day of July, 2003.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By

Carlito E. Caliboso, Chairman

Wayne H. Kimura, Commissioner

Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

Benedyne S. Stone
Commission Counsel

03-0085.cs
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 20307 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

FRANK D. DUARTE, dba
DUARTE'S EQUIPMENT RENTAL
P. O. Box 5290
Hilo, HI 96720

DATED: July 8, 2003