

BEFORE THE PUBLIC UTILITIES COMMISSION

RECEIVED

OF THE STATE OF HAWAII

2003 JUL -9 P 4: 28

In the Matter of the Application of )  
 )  
 FRANK D. DUARTE, dba )  
 DUARTE'S EQUIPMENT RENTAL )  
 )  
 For a Motor Carrier Certificate or )  
 Permit. )  
 \_\_\_\_\_ )

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

DOCKET NO. 03-0085

DECISION AND ORDER NO. 20307

Filed July 8, 2003  
 At 10:00 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  
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In the Matter of the Application of )  
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DUARTE'S EQUIPMENT RENTAL )  
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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.

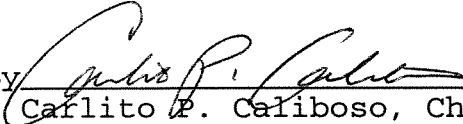
2. Applicant shall comply with all of the commission's requirements for common carriers by motor vehicle including, but not limited to, filing a lawful tariff, paying a fee of \$20 for motor carrier gross revenues, filing the appropriate insurance documents, registering and marking the appropriate motor vehicles, and complying with the safety requirements of the Motor Vehicle Safety Office, Department of Transportation, State of Hawaii.

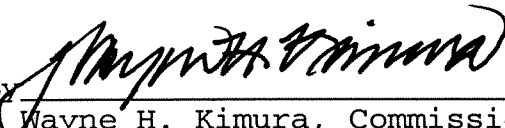
3. Applicant shall comply with the foregoing requirements within 120 days after service of this decision and order. Failure to comply within the time specified constitutes cause for this commission to void this decision and order.

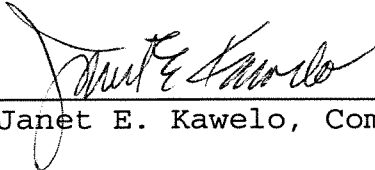
4. Applicant shall not commence operations under this decision and order until he has received written confirmation from the commission that all requirements have been met.

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

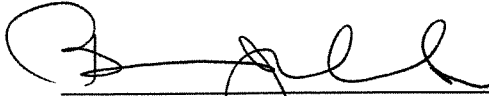
PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Carlito P. Caliboso, Chairman

By   
Wayne H. Kimura, Commissioner

By   
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

  
\_\_\_\_\_  
Karen Higashi

DATED: July 8, 2003