

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

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DEPT. OF COMMERCE AND
CONSUMER AFFAIRS
STATE OF HAWAII
DOCKET NO. 03-0188

In the Matter of the Application of)
MOLOKAI SECURITY SERVICE, INC.)
For a Temporary Motor Carrier)
Certificate.)
_____)

DECISION AND ORDER NO. 20332

Filed July 14, 2003
At 1:00 o'clock P .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)
MOLOKAI SECURITY SERVICE, INC.) Docket No. 03-0188
For a Temporary Motor Carrier) Decision and Order No. 20332
Certificate.)

DECISION AND ORDER

I.

By an application filed on June 30, 2003, MOLOKAI SECURITY SERVICE, INC. ("Applicant") requests temporary authority to operate as a common carrier of property by motor vehicle over irregular routes on the island of Molokai in the general commodities and specific commodities (mail, money) classifications. The application is made pursuant to Hawaii Revised Statutes ("HRS") § 271-16.

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.

For a grant of temporary operating authority pursuant to HRS § 271-16, an applicant must satisfy two conditions. First, an

applicant must establish that there is "an immediate and urgent need" for the proposed service. Second, an applicant must also demonstrate "[an] absence of carrier service capable of meeting the need between points or in the territory where the temporary service will be instituted." See In re Robert's Tours & Transportation, Inc., Decision and Order No. 15274, Docket No. 96-0437 (December 23, 1996). In addition, pursuant to HRS § 271-16, the commission may, at its discretion, grant temporary authority for service by a common or contract carrier, without hearings or other proceedings.

Upon review, we find that Applicant meets the criteria for temporary authority set forth in HRS § 271-16. Applicant states that it proposes to serve the companies of former contract carrier William Buchanan, Jr., who recently passed away.¹ Applicant, particularly through its letters of support attached to the application, represents that the passing of Mr. Buchanan, Jr. has left a void of courier services on the island of Molokai and that there are no courier services available to immediately service

¹William K. Buchanan, Jr., dba Molokai Security Service, held contract carrier Permit No. 4614-P, which authorized the transportation of property by motor vehicle on the island of Molokai in the specific commodities classification including (1) mail, cash, and checks, pursuant to a contract with the Hawaii State Department of Education, (2) bank deposits and bank bags, pursuant to a contract with the County of Maui, and (3) money, bank deposits, empty containers, receipts, mail, and documents, pursuant to contracts with Molokai Ranch, Ltd., Budget Rent A Car Systems, Inc., and Molokai Community Federal Credit Union. As Mr. Buchanan passed away on February 20, 2003, the commission terminated Permit No. 4614-P on March 25, 2003, in Order No. 20100.

these companies.² As there is a lack of courier services available, there is an immediate and urgent need for Applicant's services. We, thus, conclude that Applicant's request for temporary operating authority as a common carrier of property in the general commodities classification should be granted without hearings or other proceedings in this docket.

Pursuant to HRS § 271-16, the commission may grant temporary authority to an applicant for no more than 120 days. We conclude, therefore, that since Applicant satisfied the requirements for a grant of temporary authority pursuant to HRS § 271-16, it should be granted temporary authority for a period of 120 days.

With respect to Applicant's request for temporary authority to operate as a common carrier of property in the specific commodities (mail, money) classification, the commission notes that the transportation of mail is exempt from regulation pursuant to HRS § 271-5(7), and that the transportation of money is allowed under Applicant's temporary general commodities authority when granted. We, thus, find that Applicant's request to operate in the specific commodities classification is unnecessary and should be dismissed as moot.

²Applicant's letters of support included a letter from the Department of Education, Maui District, recommending Applicant's courier service, as well as letters from individual schools on Molokai representing the importance of Applicant's courier services to the schools.

III.

THE COMMISSION ORDERS:

1. Applicant's request to operate as a common carrier of property by motor vehicle over irregular routes on the island of Molokai in the specific commodities (mail, money) classification is dismissed.

2. Applicant is granted temporary authority to operate as a common carrier of property by motor vehicle over irregular routes on the island of Molokai in the general commodities classification. The temporary authority shall be valid for no more than 120 days from the date of this decision and order, in accordance with HRS § 271-16. However, the temporary authority may be terminated for good cause including, but not limited to, Applicant's failure to comply with the motor carrier laws or the commission's rules or orders.


3. 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, and filing the appropriate insurance documents.

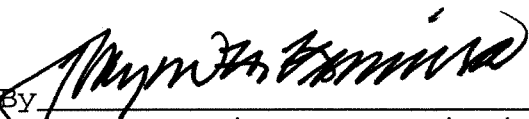
4. Applicant shall comply with the foregoing requirements within 15 days after service of this decision and order. Failure to comply within the time specified constitutes cause for this commission to void this decision and order.

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 14th 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

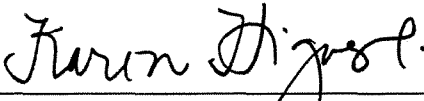
03-0188.cs

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 20332 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

MOLOKAI SECURITY SERVICE, INC.
c/o ANTHONY C.K. BUCHANAN, SR.
P. O. Box 133
Hoolehua, HI 96729



Karen Higashi

DATED: July 14, 2003