

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of )  
D.K.P. & SONS TRUCKING, INC. )  
To Sell, Lease, Assign, Mortgage or )  
Otherwise Dispose of, or Encumber )  
The Whole or Any Part of Its )  
Property, Certificate, or Permit. )  
\_\_\_\_\_ )

DOCKET NO. 03-0167

DECISION AND ORDER NO. 20443

RECEIVED  
2003 SEP 17 P 3:38  
DIV. OF CONSUMER ADVOCACY  
DEPT. OF COMMERCE AND  
CONSUMER AFFAIRS  
STATE OF HAWAII

Filed September 17, 2003  
At 10:15 o'clock A.M.

for [Signature]  
Chief Clerk of the Commission

ATTEST: A True Copy  
KAREN HIGASHI  
Chief Clerk, Public Utilities  
Commission, State of Hawaii.  
[Signature]  
Acting Administrative Director

BEFORE THE PUBLIC UTILITIES COMMISSION  
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In the Matter of the Application of) D.K.P. & SONS TRUCKING, INC. ) To Sell, Lease, Assign, Mortgage or ) Otherwise Dispose of, or Encumber ) The Whole or Any Part of Its ) Property, Certificate, or Permit. ) <hr/>	Docket No. 03-0167 Decision and Order No. 20443
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DECISION AND ORDER

I.

On June 9, 2003, D.K.P. & SONS TRUCKING, INC. ("Transferor") filed an application seeking commission approval to transfer certificate of public convenience and necessity number 3022-C ("Certificate No. 3022-C") to WAALANI ENTERPRISES, LLC ("Transferee") pursuant to Hawaii Revised Statutes ("HRS") § 271-18. Under Certificate No. 3022-C, Transferor is authorized to operate as a common carrier of property by motor vehicle over irregular routes on the island of Kauai in the general commodities and dump truck classifications. Transferee is currently authorized under Certificate No. 3024-C to operate as a common carrier of property by motor vehicle over irregular routes on the island of Kauai in the dump truck and specific commodities (heavy and specialized equipment) classifications.

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 June 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. 3022-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. 3022-C to Transferee is approved. Transferee is authorized to operate as a common carrier of property by motor vehicle over irregular routes on the island of Kauai in the general commodities and dump truck classifications.<sup>1</sup>

2. Transferor shall surrender Certificate No. 3022-C and Transferee shall surrender Certificate No. 3024-C. An amended

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<sup>1</sup>Transferee's specific commodities authority is subsumed under the general commodities classification, which allows the transport of heavy and specialized equipment.

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 a lawful tariff, filing the appropriate insurance documents, and paying a fee of \$20 for motor carrier gross revenues.

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.

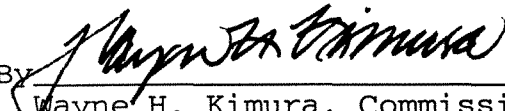
5. Transferor and Transferee shall comply with the requirements set forth herein within 120 days after service of this decision and order. Failure to comply within the time specified constitutes cause for the commission to void this decision and order.

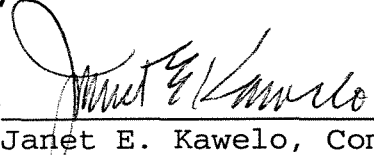
6. Transferee shall not commence operations in the general commodities classification until it has received written confirmation from the commission that all requirements have been met.

DONE at Honolulu, Hawaii this 17th day of September,  
2003.

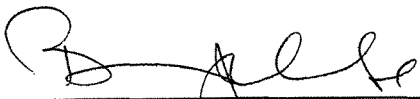
PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

BY   
\_\_\_\_\_  
Carlito P. Caliboso, Chairman

BY   
\_\_\_\_\_  
Wayne H. Kimura, Commissioner

BY   
\_\_\_\_\_  
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Benedyne S. Stone  
Commission Counsel

03-0167.eh

CERTIFICATE OF SERVICE

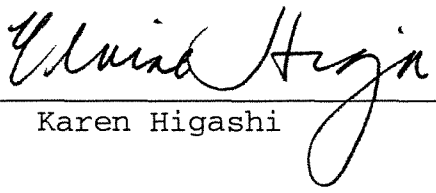
I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 20443 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
DIVISION OF CONSUMER ADVOCACY  
P. O. Box 541  
Honolulu, HI 96809

D.K.P. & SONS TRUCKING, INC.  
c/o DAVID K. PALAMA, JR.  
4468-A Piiwai Place  
Koloa, HI 96756

WAALANI ENTERPRISES, LLC  
c/o RICHARD K. WAALANI, SR.  
P. O. Box 798  
Lawai, HI 96765

SHERMAN SHIRAISHI, ESQ.  
SHERMAN SHIRAISHI ATTORNEY AT LAW  
2970 Kress Street  
Lihue, HI 96766

  
for Karen Higashi

DATED: September 17, 2003