## BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF HAWAII

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In the Matter of the Request of) CABRAL'S EXCAVATION, LLC

DIV. OF CONSUMER ABYOCACY DEPT. OF COMMERCE AND CONSUMER AFFAIRS DOCKET NO. 03702338200

To Place Operating Authority on) Inactive Status.

ORDER NO. 20450

Filed September 18, 2003

Chief Clerk of the Commission

ATTEST: A True Copy KAREN HIGASHI

Chief Clerk, Public Utilities

Commission, State of Hawaii.

Acting Admin/strative Director

# BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

In the Matter of the Request of)

(CABRAL'S EXCAVATION, LLC )

To Place Operating Authority on)

Inactive Status. )

Docket No. 03-0233

Order No. 20450

### <u>ORDER</u>

I.

By letter filed on August 22, 2003, CABRAL'S EXCAVATION, LLC ("Petitioner") requests that certificate of public convenience and necessity no. 4079-C ("Certificate No. 4079-C") be placed on inactive status. Certificate No. 4079-C authorizes Petitioner to transport property by motor vehicle over irregular routes on the island of Maui in the general commodities and dump truck classifications.

Under Hawaii Revised Statutes ("HRS") § 271-19, the commission may place a certificate on inactive status upon written request by a motor carrier, and for good cause shown. The inactive period, however, may not exceed 12 months. In addition, HRS § 271-19 provides that inactive status may only be granted for a cumulative period not to exceed two years over the life of the certificate.

The commission finds that there is good cause to grant Petitioner's request. If Petitioner so desires it may file, prior to the expiration of the inactive period granted by this order, a request to extend its inactive status for up to one additional year.

II.

#### THE COMMISSION ORDERS:

- 1. Petitioner's Certificate No. 4079-C is placed on inactive status for one year, effective from the date of this order.
- 2. If Certificate No. 4079-C is not reactivated prior to the expiration of the period of inactivity, i.e., within one year from the date of this order, it shall be declared abandoned and revoked. Petitioner may reactivate the certificate at any time prior to the expiration of the inactive period by filing a request to reactivate with the commission, and fulfilling the requirements for motor carriers including, but not limited to, filing of appropriate insurance documents and publication of a lawful tariff.
- 3. Petitioner shall not transfer its inactive certificate unless Petitioner can first establish good cause to the commission for the transfer, and the commission has approved the request to transfer.

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DONE at Honolulu, Hawaii this 18th day of September, 2003.

> PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

Carlito P. Caliboso, Chairman

Kimura, Commissioner

E. Kawelo, Commissioner

APPROVED AS TO FORM:

Commission Counsel

03-0233.cs

### CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 20450 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

CABRAL'S EXCAVATION, LLC 1370 Olinda Road Makawao, HI 96768

DATED: September 18, 2003

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