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BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of)  
)  
HENRY J. SILVA, JR., dba )  
HENRY'S EQUIPMENT RENTAL & SALES )  
)  
To Transfer a Motor Carrier )  
Certificate or Permit and to )  
Extend Operating Authority. )  
\_\_\_\_\_)

DOCKET NO. 03-0221

DECISION AND ORDER NO. 20644

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Filed Nov. 18, 2003  
At 9:00 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)	)	
HENRY J. SILVA, JR., dba	)	
HENRY'S EQUIPMENT RENTAL & SALES	)	Docket No. 03-0221
	)	
To Transfer a Motor Carrier	)	Decision and Order No. 20644
Certificate or Permit and to	)	
Extend Operating Authority.	)	
_____	)	

DECISION AND ORDER

I.

Application to Transfer and Extend Common Carrier Authority

HENRY J. SILVA, JR., dba HENRY'S EQUIPMENT RENTAL & SALES ("Transferor"), is the holder of certificate of public convenience and necessity number 107-C ("Certificate No. 107-C"). Certificate No. 107-C authorizes the transportation of property by motor vehicle over irregular routes on the island of Oahu in the dump truck classification. On August 12, 2003, Transferor filed an application seeking commission approval to transfer Certificate No. 107-C to HENRY'S EQUIPMENT RENTAL & SALES, INC. ("Transferee") and to extend the operating authority under Certificate No. 107-C to include the general commodities classification. Transferee represents that if the authority is extended as requested, it can meet customer demand for general freight and equipment hauling.

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 August 14, 2003, the Consumer Advocate indicated that it will not participate in this proceeding. No persons moved to intervene in this docket.

## II.

### Findings and Conclusions

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. 107-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 Hawaii Revised Statutes ("HRS") § 271-18, and should, therefore, be approved.

The commission also finds that the proposed expansion of authority is required by the present and future public convenience and necessity and that Transferee 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. Accordingly, we conclude that the request for an expansion of authority should be granted.

III.

Orders

THE COMMISSION ORDERS:

1. Transferor's application to transfer Certificate No. 107-C to Transferee is approved.

2. The request to extend the authority under Certificate No. 107-C is approved. Transferee is authorized to operate as a common carrier of property over irregular routes on the island of Oahu in the general commodities and dump truck classifications.

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 and paying a fee of \$20 for motor carrier gross revenues.

4. Transferor shall surrender Certificate No. 107-C, and an amended certificate reflecting the authority granted by this decision and order shall be issued to the Transferee.

5. Transferor shall file with the commission his annual financial report for the period of operation from January 1, 2003, to the effective date of this decision and order, and shall pay the associated motor carrier gross revenue fee.

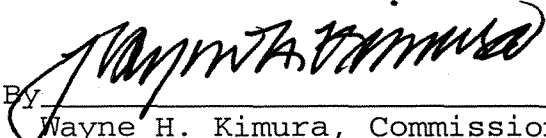
6. Transferor and Transferee shall comply with the requirements set forth herein within 120 days after service of this decision and order. Failure to comply within the time specified constitutes cause for this commission to void this decision and order.

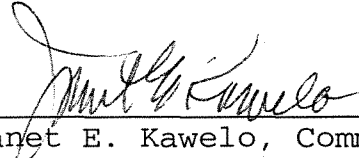
7. Transferee shall not commence operations in the general commodities classification until it has received written confirmation from the commission that all requirements have been met.

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

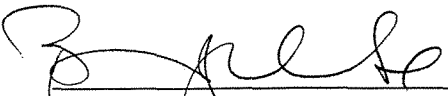
PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Carlito P. Caliboso, Chairman

By   
Wayne H. Kimura, Commissioner

By   
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

  
Benedyne S. Stone  
Commission Counsel

03-0221.cs

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No.20644 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

HENRY J. SILVA, JR., dba  
HENRY'S EQUIPMENT RENTAL & SALES  
P. O. Box 4070  
Waianae, HI 96792

FRANCIS KAMA-SILVA, PRESIDENT  
HENRY'S EQUIPMENT RENTAL & SALES, INC.  
P. O. Box 4070  
Waianae, HI 96792

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

DATED: November 18, 2003