

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of)  
PINERIDGE FARMS, INC. )  
For a Temporary Motor Carrier )  
Certificate. )  
\_\_\_\_\_ )

DOCKET NO. 04-0003

DECISION AND ORDER NO. 20746

Filed Jan. 9, 2004  
At 11:30 o'clock A.M.

Karen Higash  
Chief Clerk of the Commission

RECEIVED  
2004 JAN -9 P 3:42  
DIV. OF CONSUMER ADVOCACY  
DEPT. OF COMMERCE AND  
CONSUMER AFFAIRS  
STATE OF HAWAII

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of)  
PINERIDGE FARMS, INC. ) Docket No. 04-0003  
For a Temporary Motor Carrier ) Decision and Order No. 20746  
Certificate. )  
\_\_\_\_\_)

DECISION AND ORDER

I.

Introduction

PINERIDGE FARMS INC. ("Applicant") requests temporary authority to operate as a common carrier of property by motor vehicle over irregular routes on the island of Maui in the dump truck classification.<sup>1</sup> The application is made pursuant to Hawaii Revised Statutes ("HRS") § 271-16.<sup>2</sup>

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.

---

<sup>1</sup>Applicant's application, filed on January 5, 2004.

<sup>2</sup>On June 29, 1994, Applicant was issued certificate of public convenience and necessity No. 36-C to operate as a common carrier of property in the dump truck and general commodities classifications, excluding break bulk and delivery services, over irregular routes on the island of Oahu. See also, Decision and Order No. 12805, filed on November 4, 1993, in Docket No. 7367.

II.

Discussion

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 represents that Goodfellow Bros., Inc. ("Goodfellow") has a contract to haul 150,000 cubic yards of dirt and rock from the Wailea Beach Villas Project ("Hauling Project"). In accordance with the contract schedule, Goodfellow is required to complete the Hauling Project by March 1, 2004. Thus, to prevent Goodfellow from being assessed liquidated damages of up to \$10,000 per day, and to ensure that the Hauling Project is completed as scheduled, Applicant asserts that there is an immediate and urgent need for its dump truck services. Moreover, Applicant represents that there is presently an insufficient number of dump truck carriers on the island of Maui available to immediately service Goodfellow in

accordance with the contract schedule to complete the hauling by March 1, 2004. Specifically, Goodfellow has been unable to retain an adequate amount of dump truck carriers on the island of Maui to meet its imminent needs for the hauling project. We, thus, conclude that Applicant's request for temporary operating authority as a common carrier of property in the dump truck 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.


### III.


#### Order

THE COMMISSION ORDERS that Applicant is granted temporary authority to operate as a common carrier of property by motor vehicle over irregular routes on the island of Maui in the dump truck 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.

DONE at Honolulu, Hawaii this 9<sup>th</sup> day of January, 2004.

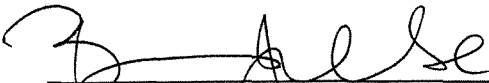
PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Carlito P. Caliboso, Chairman

By   
Wayne H. Kimura, Commissioner

By   
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

  
Benedyne S. Stone  
Commission Counsel

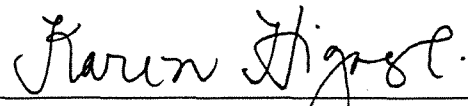
04-0003.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 20746 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

PINERIDE FARMS, INC.  
c/o Georgette Silva  
611 Middle Street  
Honolulu, HI 96819

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

DATED: January 9, 2004