BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of

ALTON DALE KAONO, dba
AL TONS TRUCKING

For a Motor Carrier Certificate or Permit.

DOCKET NO. 03-0381

ORDER NO. 20841

Filed

March 9, 2004

At 8:00 o’clock A.M.

Chief Clerk of the Commission
BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
ALTON DALE KAONO, dba AL TONS TRUCKING)
For a Motor Carrier Certificate or Permit)

Docket No. 03-0381
Order No. 20841

ORDER

I.
Motion to Intervene

On October 29, 2003, ALTON DALE KAONO, dba AL TONS TRUCKING ("Applicant"), filed an application with the commission for a certificate of public convenience and necessity to operate as a common carrier of property in the general commodities, household goods, and specific commodities classifications on the island of Hawaii.

On December 30, 2003, a timely motion to intervene in the instant proceeding ("Motion to Intervene") was filed by Big Isle Moving & Draying, Inc. ("Movant").

II.
Discussion

Pursuant to Hawaii Administrative Rules § 6-61-55, "[i]ntervention shall not be granted except on allegations which are reasonably pertinent to and do not unreasonably broaden the issues already presented." Additionally, intervention as a party
in a proceeding before us is a matter resting within our sound discretion. See In re Application of Hawaiian Electric Co., Ltd., 56 Haw. 260 (1975).

In its Motion to Intervene, Movant alleges, among other things, that there is no public necessity on Hawaii for Applicant's proposed motor carrier service.

Based upon our review of the Motion to Intervene, we find that Movant's assertions do not warrant a grant of intervention by the commission. Movant has not convinced the commission that its participation as a party will not unreasonably broaden the issues already presented and is necessary to the resolution of the instant application. Thus, the commission concludes that Movant's Motion to Intervene should be denied.

III.

Order

THE COMMISSION ORDERS that Movant's Motion to Intervene, filed on December 30, 2003, is denied.
DONE at Honolulu, Hawaii this 9th day of March, 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

03-0381.cs
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 20841 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

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MARTIN E. DYER,
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ERNEST Y. MARTIN, ESQ.
BIG ISLE MOVING & DRAYING, INC.
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Hilo, HI 96720

DATED: March 9, 2004

Karen Higashi