

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of)  
BERTELMANN, INC. )  
For Extension of Motor Carrier )  
Certificate. )  
\_\_\_\_\_ )

DOCKET NO. 03-0421

DECISION AND ORDER NO. 20948

DIV. OF CONSUMER PROTECTION  
DEPT. OF COMMERCE AND  
INDUSTRY AFFAIRS  
STATE OF HAWAII

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RECEIVED

Filed April 30, 2004  
At 2:00 o'clock P .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  
OF THE STATE OF HAWAII

In the Matter of the Application of) )  
BERTELMANN, INC. ) ) Docket No. 03-0421  
For Extension of Motor Carrier ) ) Decision and Order No. 20948  
Certificate. ) )  
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DECISION AND ORDER

I.

Application to Extend Common Carrier Authority

BERTELMANN, INC. ("Applicant") is a common carrier of property by motor vehicle over irregular routes on the island of Hawaii in the dump truck and specific commodities (heavy equipment, logs, livestock, and fertilizer in bags/bins) classifications. On December 31, 2003, Applicant filed an application seeking commission approval to extend its authority under certificate of public convenience and necessity number 5055-C ("Certificate No. 5055-C") to include the general commodities classification. Applicant represents that if its authority is extended as requested, it can meet customer demand for general freight and water hauling.

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

("Consumer Advocate"). The Consumer Advocate did not participate in this proceeding, and no persons moved to intervene in this docket.

II.

Findings and Conclusions

Based upon our review of the record, we find that Applicant is fit, willing, and able to properly perform the proposed service, and to conform to Hawaii Revised Statutes chapter 271 and the requirements and rules of the commission. We also find that the proposed service is required by the present and future public convenience and necessity. Accordingly, we conclude that Applicant's request for an extension of its authority should be granted.

III.

Orders

THE COMMISSION ORDERS:

1. Applicant is authorized to operate as a common carrier of property over irregular routes on the island of Hawaii in the general commodities and dump truck classifications.<sup>1</sup>

2. Applicant shall surrender Certificate No. 5055-C, and an amended certificate reflecting the operating authority granted by this decision and order shall be issued.

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<sup>1</sup>Applicant's specific commodities authority is subsumed under the general commodities classification, which allows the transport of heavy equipment, logs, livestock, and fertilizer in bags/bins.

3. Applicant 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 filing the appropriate insurance documents.

4. Applicant shall comply with the foregoing requirements 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.

5. Applicant 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 30th day of April, 2004.

PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By Carlito P. Caliboso  
Carlito P. Caliboso, Chairman

By Wayne H. Kimura  
Wayne H. Kimura, Commissioner

APPROVED AS TO FORM:

Benedyne S. Stone  
Benedyne S. Stone  
Commission Counsel

By Janet E. Kawelo  
Janet E. Kawelo, Commissioner

03-0421.cs

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 20948 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

BERTELMANN, INC.  
c/o GLENN BERTELMANN  
P. O. Box 472  
Kamuela, HI 96743

  
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Karen Higashi

DATED: April 30, 2004