BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAI'I

In the Matter of the Application of
)
SWR PACIFIC, INC.
)
For a Motor Carrier Certificate or
Permit.
)

DOCKET NO. 03-0356

DECISION AND ORDER NO. 20982

Filed May 14, 2004
At 2:00 o’clock P.M.

Karen Higashi
Chief Clerk of the Commission

ATTEST: A True Copy
KAREN HIGASHI
BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of
SWR PACIFIC, INC.
For a Motor Carrier Certificate or Permit.

Docket No. 03-0356
Decision and Order No. 20982

DECISION AND ORDER

I.

Application for Contract Carrier Authority

SWR PACIFIC, INC. ("Applicant") filed an application with
the commission on October 10, 2003, to operate as a contract
carrier of property in the household goods classification on the
island of Oahu, pursuant to a contract with Fleet & Industrial
Supply Center, Pearl Harbor.¹ Applicant will be moving household
goods for military families on the island of Oahu. The application
is made pursuant to Hawaii Revised Statutes ("HRS") § 271-13.

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.

¹By Notice of Dismissal dated November 24, 2003, Applicant was
notified that its application would be dismissed without prejudice
for failure to provide information necessary to process its
application. Applicant subsequently submitted the necessary
information.
On November 21, 2003, Westpac International, Inc. ("Westpac") filed a motion to intervene ("Motion to Intervene") in the instant proceeding. By Order No. 20835, filed on March 5, 2004, the commission denied Westpac’s Motion to Intervene.

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 HRS chapter 271 and the requirements and rules of the commission. We also find that the proposed service will meet the distinct needs of Fleet & Industrial Supply Center, and that pursuant to HRS § 271-13, will be consistent with the public interest and the transportation policy declared in chapter 271, HRS. Accordingly, we conclude that Applicant’s request for contract carrier authority in the household goods classification should be granted.

III.

Orders

THE COMMISSION ORDERS:

1. Applicant is granted a permit to operate as a contract carrier of property by motor vehicle in the household goods classification, pursuant to a contract with Fleet & Industrial Supply Center, Pearl Harbor.

2. Applicant shall comply with all of the commission’s requirements for contract carriers by motor vehicle including, but
not limited to, paying a fee of $20 for motor carrier gross revenues, and filing the appropriate insurance documents.

3. Applicant shall file a copy of its executed contract with Fleet & Industrial Supply Center, Pearl Harbor. The contract must include all terms and conditions pursuant to which the household goods services are being provided, as well as the rates being charged.

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 under this decision and order until it has received written confirmation from the commission that all requirements have been met.

DONE at Honolulu, Hawaii this 14th day of May, 2004.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By (EXCUSED)
Wayne H. Kimura, Commissioner

By Janet E. Kawelo, Commissioner

By
Benedyne E. Stone
Commission Counsel
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 20982 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

SWR PACIFIC, INC.
c/o TIMOTHY S. SWINDALL
P. O. Box 1339
Troy, AL 36081

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ALBRITTONS, CLIFTON, ALVERSON,
MOODY & BOWDEN, P.C.
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P. O. Drawer 880
Andalusia, AL 36420

DATED: May 14, 2004