

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
DONNELLE GAU)
For a Motor Carrier Certificate or)
Permit.)
_____)

DOCKET NO. 04-0092

DECISION AND ORDER NO. 21183

RECEIVED
2004 JUL 27 A 8:19
DIV. OF CONSUMER ADVOCACY
DEPT. OF COMMERCE AND
CONSUMER AFFAIRS
STATE OF HAWAII

Filed July 26, 2004
At 2 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)
DONNELLE GAU) Docket No. 04-0092
For a Motor Carrier Certificate or) Decision and Order No. 21183
Permit.)
_____)

DECISION AND ORDER

I.

Application for Common Carrier Authority

On May 4, 2004, DONNELLE GAU ("Applicant") filed an application requesting a certificate of public convenience and necessity to operate as a common carrier of property by motor vehicle over irregular routes on the island of Oahu in the general commodities, dump truck, and specific commodities (heavy machinery and equipment, oversized and specialized loads) classifications. The application is made pursuant to Hawaii Revised Statutes ("HRS") § 271-12.

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 HRS 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 operating authority in the general commodities and dump truck classifications should be granted.

With respect to Applicant's request to operate as a common carrier of property in the specific commodities (heavy machinery and equipment, oversized and specialized loads) classification, the commission notes that the transportation of heavy machinery and equipment, and oversized and specialized loads, is allowed under Applicant's general commodities authority when granted. We, thus, find that Applicant's request to operate in the specific commodities classification is unnecessary and should be dismissed as moot.

III.

Orders

THE COMMISSION ORDERS:

1. Applicant's request to operate as a common carrier of property by motor vehicle over irregular routes on the island of Oahu in the specific commodities (heavy machinery and equipment, oversized and specialized loads) classification is dismissed.

2. Applicant is granted a certificate to operate as a common carrier of property by motor vehicle over irregular routes on the island of Oahu in the general commodities and dump truck classifications.


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, paying a fee of \$20 for motor carrier gross revenues, and filing the appropriate insurance documents.

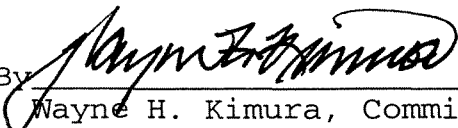
4. Applicant shall comply with the foregoing requirements within 120 days after service of this decision and order. Failure to comply within the time specified constitutes cause for this commission to void this decision and order.

5. Applicant shall not commence operations under this decision and order until she has received written confirmation from the commission that all requirements have been met.

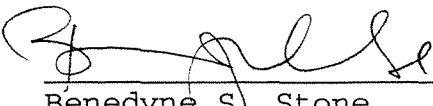
DONE at Honolulu, Hawaii this 26th day of July, 2004.

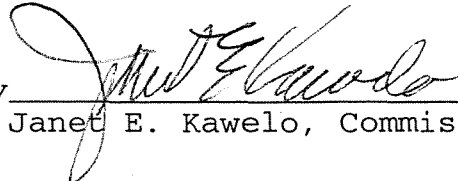
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
Wayne H. Kimura, Commissioner

APPROVED AS TO FORM:


Benedyne S. Stone
Commission Counsel
04-0092.cs

By 
Janet E. Kawelo, Commissioner

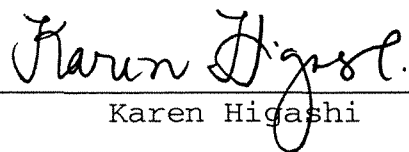
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 21183 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

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1406 South Beretania Street
Honolulu, HI 96814

ALLEN CHEE
CHEE & ASSOCIATES, LLC
765 Amana Street, Suite 504
Honolulu, HI 96814



Karen Higashi

DATED: July 26, 2004