BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
BROWN'S TRUCKING, INC. )
) DOCKET NO. 04-0145
) For Extension of Motor Carrier Certificate.
)

DECISION AND ORDER NO. 21374

Filed ________, 2004
At __________ 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

BROWN'S TRUCKING, INC.  

For Extension of Motor Carrier Certificate.

Docket No. 04-0145

Decision and Order No. 21374

DECISION AND ORDER

I. Application to Extend Common Carrier Authority

BROWN'S TRUCKING, INC. ("Applicant") is a common carrier of property by motor vehicle over irregular routes on the island of Kauai in the general commodities and dump truck classifications. By application filed on June 14, 2004, and amended on June 15, 2004, Applicant seeks commission approval to extend its authority under certificate of public convenience and necessity number 3020-C ("Certificate No. 3020-C") to include the specific commodities (heavy machinery and equipment; lowboy services) and dump truck classifications on the island of Molokai. Applicant represents that if its authority is extended as requested, it can meet customer demand for hauling services on the island of Molokai.

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 (1) over irregular routes on the island of Kauai in the general commodities and dump truck classifications, and (2) over irregular routes on the island of Molokai in the specific commodities (heavy machinery and equipment; lowboy services) and dump truck classifications.

2. Applicant shall surrender Certificate No. 3020-C, and an amended certificate reflecting the operating authority granted by this decision and order shall be issued.

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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.

4. Applicant shall comply with the foregoing requirements within one hundred and twenty (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 on the island of Molokai until it has received written confirmation from the commission that all requirements have been met.

DONE at Honolulu, Hawaii SEP 28 2004

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By Carlito P. Caliboso, Chairman

By Wayne H. Kimura, Commissioner

APPROVED AS TO FORM:

By Janet E. Kawelo, Commissioner

Commission Counsel
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 21374 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

BROWN'S TRUCKING, INC.
P. O. Box 464
Hanamaulu, HI 96715

SHERMAN SHIRAISHI
ATTORNEY AT LAW
A LAW CORPORATION
2970 Kress Street
Lihue, HI 96766

DATED: SEP 28 2004

Karen Higashi