

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of )  
 )  
 KIRK MONTGOMERY, dba )  
 BLUE TORCH DELIVERY SERVICE )  
 )  
 For a Motor Carrier Certificate or )  
 Permit. )  
 \_\_\_\_\_ )

DOCKET NO. 04-0198

DECISION AND ORDER NO. 21453

DIV. OF CONSUMER ADVOCACY  
DEPT. OF COMMERCE AND  
CONSUMER AFFAIRS  
STATE OF HAWAII

2004 NOV -8 A 8:36

RECEIVED

Filed Nov. 5, 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

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Docket No. 04-0198

Decision and Order No. **21453**

DECISION AND ORDER

I.

Application for Common Carrier Authority

On August 10, 2004, KIRK MONTGOMERY, dba BLUE TORCH DELIVERY SERVICE ("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 Hawaii in the household goods classification. 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, as set forth in the application, should be granted.

III.

Orders

THE COMMISSION ORDERS:

1. Applicant is granted a certificate to operate as a common carrier of property by motor vehicle over irregular routes on the island of Hawaii in the household goods classification.


2. 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.

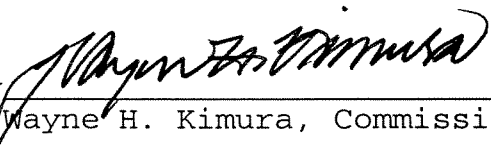
3. Applicant shall comply with the foregoing requirements within one hundred and twenty (120) days after service of this decision and order. Failure to comply within the time specified constitutes cause for this commission to void this decision and order.

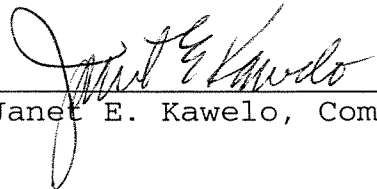
4. Applicant shall not commence operations under this decision and order until he has received written confirmation from the commission that all requirements have been met.

DONE at Honolulu, Hawaii NOV - 5 2004.

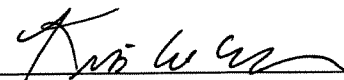
PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Carlito P. Caliboso, Chairman

By   
Wayne H. Kimura, Commissioner

By   
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

  
for Benedyne S. Stone  
Commission Counsel

04-0198.rpr

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 21453 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

KIRK MONTGOMERY, dba  
BLUE TORCH DELIVERY SERVICE  
76-6196 Mania Lane  
Kailua-Kona, HI 96740

  
\_\_\_\_\_  
Karen Higashi

DATED: NOV - 5 2004