BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)

TANNY RODRIGUEZ CAOILE, dba }
TLC HANDICAB 

To Sell, Lease, Assign, Mortgage or)
Otherwise Dispose of, or Encumber 
The Whole or Any Part of Its 
Property, Certificate, or Permit. 

DOCKET NO. 04-0201

FILED ON: Jan. 11, 2005
At 10 o'clock A.M.

Chief Clerk of the Commission

ATTEST: A True Copy
KAREN HIGASHI
DECISION AND ORDER

I. Application to Transfer Common Carrier Authority

On August 11, 2004, TANNY RODRIGUEZ CAOILE, dba TLC HANDICAB ("Transferor"), filed an application seeking commission approval to transfer certificate of public convenience and necessity number 1493-C ("Certificate No. 1493-C") to TLC HANDI-TRANS, INC. ("Transferee"), pursuant to Hawaii Revised Statutes ("HRS") § 271-18. Under Certificate No. 1493-C, Transferor is authorized to operate as a common carrier of passengers by motor vehicle over irregular routes on the island of Oahu in the 1-to-7 passenger classification, limited to transporting physically and mentally challenged persons and their attendants.

Transferor served copies of the application on the Hawaii Transportation Association, which consists of carriers that may be affected by the proposed transfer, and on the Division of Consumer Advocacy, Department of Commerce and Consumer Affairs.
("Consumer Advocate"). By a statement filed on August 12, 2004, the Consumer Advocate indicated that it will not participate in this proceeding. No persons moved to intervene in this docket.

II.

Findings and Conclusions

Upon review of Transferor's application, the commission finds that Transferee is fit, willing, and able to perform the services presently performed by Transferor, and that the proposed transfer of Certificate No. 1493-C is just and reasonable and will be consistent with the public interest. Accordingly, the commission concludes that the proposed transfer is in accordance with HRS § 271-18, and should, therefore, be approved.

III.

Orders

THE COMMISSION ORDERS:

1. Transferor's application to transfer Certificate No. 1493-C to Transferee is approved.

2. Transferor shall surrender Certificate No. 1493-C and an amended certificate reflecting the authority granted by this decision and order shall be issued to Transferee.

3. Transferee shall comply with all of the commission's requirements for common carriers by motor vehicle including, but not limited to, filing motor vehicle information and paying a fee of $20 for motor carrier gross revenues.
4. Transferor shall file an annual financial report for its operations covering the period from January 1, 2005, to the date of this decision and order. Transferor shall also pay the appropriate motor carrier gross revenue fee for the period January 1, 2005, to the date of this decision and order.

5. Transferor shall file the annual financial report for the calendar year 2004, and pay the appropriate gross revenue fee for the calendar year 2004 by April 30, 2005.

6. Transferor and Transferee shall comply with the requirements set forth herein within one hundred and twenty (120) days after service of this decision and order. Failure to comply within the time specified constitutes cause for the commission to void this decision and order.

7. Transferee 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 JAN 11 2005

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

Carlito P. Caliboso, Chairman

Benedyke S. Stone
Commission Counsel

04-0201.cs
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 21538 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

TANNY R. CAOILE, dba
TLC HANDICAB
94-150 Kupuohi Place
Waipahu, HI 96797

TLC HANDI-TRANS, INC.
94-150 Kupuohi Place
Waipahu, HI 96797

DATED: JAN 11 2005

Karen Higa
Karen Higa