BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
CLARK ROBERT BALDING, dba)
BLUE DIAMOND TRANSPORTATION)
For a Motor Carrier Certificate or ) DOCKET NO. 04-0344
Permit.

DECISION AND ORDER NO. 21685

Filed March 10, 2005
At 10 o'clock A.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)
) CLARK ROBERT BALDING, dba)
) BLUE DIAMOND TRANSPORTATION ) Docket No. 04-0344
) For a Motor Carrier Certificate or ) Decision and Order No. 21685
) Permit. )

DECISION AND ORDER

By this Decision and Order, the commission grants CLARK ROBERT BALDING, dba BLUE DIAMOND TRANSPORTATION ("Applicant"), a certificate of public convenience and necessity ("Certificate") 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, subject to certain conditions, as described herein.

I.

Application for Common Carrier Authority

On November 26, 2004, Applicant filed an application requesting a Certificate 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. The application is made pursuant to Hawaii Revised Statutes ("HRS") § 271-12.

Applicant served copies of the application on the Hawaii Transportation Association and the Hawaii State Certified Common Carriers Association, Inc., which consist 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 passengers by motor vehicle over irregular routes on the island of Oahu in the 1-to-7 passenger 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 ________ MAR 10 2005 ______

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:

Benedyne S. Stone
Commission Counsel
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 21685 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

CLARK ROBERT BALDING, dba
BLUE DIAMOND TRANSPORTATION
1294 Kaeleku Street
Honolulu, HI 96825

DATED: MAR 10 2005

Karen Higashi