

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of)  
THOMAS Y. SHIMOOKA, dba )  
T.Y.S. TRUCKING )  
To Transfer a Motor Carrier )  
Certificate or Permit and to )  
Extend Operating Authority. )

DOCKET NO. 05-0001

DECISION AND ORDER NO. 21718

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

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Filed April 4, 2005  
At 2 o'clock P.M.

*for* Brooke K. Kane  
Chief Clerk of the Commission

ATTEST: A True Copy  
BROOKE K. KANE  
Administrative Director  
Public Utilities Commission  
State of Hawaii  
Brooke K. Kane

BEFORE THE PUBLIC UTILITIES COMMISSION  
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In the Matter of the Application of )  
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 THOMAS Y. SHIMOOKA, dba )  
 T.Y.S. TRUCKING ) Docket No. 05-0001  
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 To Transfer a Motor Carrier ) Decision and Order No. 21718  
 Certificate or Permit and to )  
 Extend Operating Authority. )  
 \_\_\_\_\_ )

DECISION AND ORDER

By this Decision and Order, the commission approves the request to (1) transfer certificate of public convenience and necessity number 2034-C ("Certificate No. 2034-C") from THOMAS Y. SHIMOOKA, dba T.Y.S. TRUCKING ("Transferor"), to KAIMI HAINA, INC. ("Transferee"), and (2) extend the authority under Certificate No. 2034-C to include the general commodities classification, subject to certain conditions, as described herein.

I.

Application to Transfer and Extend Common Carrier Authority

Transferor is the holder of Certificate No. 2034-C, which authorizes Transferor to transport property by motor vehicle over irregular routes on the island of Oahu in the dump truck classification. By application filed on January 3, 2005, and amended on January 19, 2005, Transferor seeks commission approval to transfer Certificate No. 2034-C to Transferee and to

extend the operating authority under Certificate No. 2034-C to include the general commodities classification. Transferee represents that if the authority is extended as requested, it can meet customer demand for general freight hauling.

Transferor served copies of the application on the Hawaii Transportation Association, which consists of carriers that may be affected by the proposed transfer and extension of authority, 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

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. 2034-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 Hawaii Revised Statutes ("HRS") § 271-18, and should, therefore, be approved.

The commission also finds that the proposed expansion of authority is required by the present and future public convenience and necessity and that Transferee 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. Accordingly, we conclude that the request for an expansion of authority should be granted.

III.

Orders

THE COMMISSION ORDERS:

1. Transferor's application to transfer Certificate No. 2034-C to Transferee is approved.

2. The request to extend the authority under Certificate No. 2034-C is approved. Transferee is authorized 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. Transferee 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. Transferor shall surrender Certificate No. 2034-C, and a certificate reflecting the operating authority granted by this Decision and Order shall be issued to Transferee.

5. Transferor shall file with the commission its annual financial report for the period of operation from January 1, 2005, to the effective date of this Decision and Order, and shall pay the associated motor carrier gross revenue fee.

6. Transferor and Transferee 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.

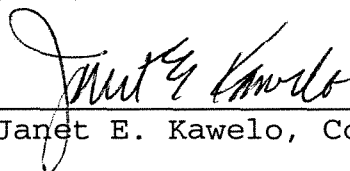
7. Transferee shall not commence operations under this Decision and Order until it has received written confirmation from the commission that all requirements have been met.

DONE at Honolulu, Hawaii April 4, 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

05-0001.rpr

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 21718 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

THOMAS Y. SHIMOOKA SR., dba  
T.Y.S. TRUCKING CO.  
2344 Ahaiki Street

KAIMI HAINA, INC.  
91-1762 Lau'o Street  
Ewa Beach, HI 96706

  
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for Karen Higashi

DATED: April 4, 2005