BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

In the Matter of the Application of)

MANUEL AILA, dba AILA'S EQUIPMENT RENTAL

DOCKET NO. 05-0149

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

DECISION AND ORDER NO. 22071

Filed Oct. 12 , 2005

At ______ 12 o'clock _ P .M.

Chief Clerk of the Commission

2005 OCT 13 A 8: 21

DIV. OF CONSUMER ADVOCAC
DEPT. OF COMMERCE AND
CONSUMER AFFAIRS

ATTEST: A True Copy KAREN HIGASHI Chief Clerk, Public Utilities Commission, State of Hawaii.

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Docket No. 05-0149

Decision and Order No. 22071

DECISION AND ORDER

By this Decision and Order, the commission approves the transfer of certificate of public convenience and necessity number 2070-C ("Certificate No. 2070-C") from MANUEL AILA, dba AILA'S EQUIPMENT RENTAL ("Transferor"), to AILA'S TRUCKING, LLC ("Transferee"), subject to certain conditions, as described herein.

I.

Application to Transfer Common Carrier Authority

On June 20, 2005, Transferor filed an application seeking commission approval to transfer Certificate No. 2070-C to Transferee, pursuant to Hawaii Revised Statutes ("HRS") § 271-18. Under Certificate No. 2070-C, and pursuant to HRS § 271-12, Transferor is authorized to operate as a common carrier of property by motor vehicle over irregular routes on the island of Oahu in the dump truck classification.

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"). 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. 2070-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.

<u>Orders</u>

THE COMMISSION ORDERS:

- 1. Transferor's application to transfer Certificate No. 2070-C to Transferee is approved.
- 2. 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

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fee of \$20 for motor carrier gross revenues, and filing the appropriate insurance documents.

- 3. Transferor shall surrender Certificate No. 2070-C, and a certificate reflecting the operating authority granted by this Decision and Order shall be issued to Transferee.
- 4. Transferor shall file with the commission his 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.
- 5. 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.
- 6. 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.

05-0149

DONE at Honolulu, Hawaii OCT 1 2 2005 .

PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

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Carlito P. Caliboso, Chairman

By____(EXCUSED)

Wayne H. Kimura, Commissioner

ву____

Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

Benedyne S. Stone Commission Counsel

05-0149.sl

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 22071 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

AILA'S TRUCKING, LLC c/o MANUEL AILA 85-910 Niihau Street Waianae, HI 96792

Karen Higashi

DATED: 0CT 1 2 2005