

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of)  
)  
JIMMY'S RAZOR BACK )  
PUMPING SERVICES, INC. )  
)  
For Temporary Common Carrier )  
Authority. )  
\_\_\_\_\_)

DOCKET NO. 05-0247

DECISION AND ORDER NO. 22141

RECEIVED  
2005 DEC -2 A 8:17  
DIV. OF CONSUMER ADVOCACY  
DEPT. OF COMMERCE AND  
CONSUMER AFFAIRS  
STATE OF HAWAII

Filed Nov. 30, 2005  
At 10 o'clock A .M.

Karen Higashi.  
Chief Clerk of the Commission

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

K. Higashi.

BEFORE THE PUBLIC UTILITIES COMMISSION  
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          PUMPING SERVICES, INC.                              )  
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For Temporary Common Carrier                                  )  
Authority.  )  
\_\_\_\_\_)

Docket No. 05-0247  
Decision and Order No. 22141

DECISION AND ORDER

By this Decision and Order, the commission denies the request of JIMMY'S RAZOR BACK PUMPING SERVICES, INC. ("Applicant") for temporary authority to operate as a common carrier of property by motor vehicle in the general commodities and dump truck classifications over irregular routes on the island of Oahu.

I.

Application for Temporary Common Carrier Authority

On September 30, 2005, Applicant filed an application requesting temporary authority 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. The application is made pursuant to Hawaii Revised Statutes ("HRS") § 271-16.

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.

## II.

### Findings and Conclusions

For a grant of temporary operating authority pursuant to HRS § 271-16, an applicant must satisfy two conditions. First, the applicant must establish that there is "an immediate and urgent need" for the proposed service. Second, the applicant must demonstrate "[an] absence of carrier service capable of meeting the need between points or in the territory where the temporary service will be instituted." See In re Robert's Tours & Transportation, Inc., Decision and Order No. 15274, Docket No. 96-0437 (December 23, 1996). Moreover, the commission may, at its discretion, grant temporary authority without hearings or other proceedings. HRS §271-16.

Based upon our review of the application, we find that Applicant does not meet the criteria for temporary authority set forth in HRS § 271-16. Applicant submitted four letters in support of its application for temporary authority, however, only the letter from Inchcape Shipping Services ("ISS"), dated September 30, 2005, addresses the conditions required for a grant of temporary authority, and then only for the general commodities classification. ISS, an agent for NYK Line, states that it is in dire need of Applicant's trucking services and that Applicant is the only company that can meet its time restrictions and availability demands. ISS also states that a grant of temporary

authority to Applicant would allow ISS to avoid delinquent storage charges. Arguably, while Applicant may have satisfied the first condition for a grant of temporary authority, i.e., that ISS has an immediate and urgent need for its services, the commission finds that Applicant has failed to satisfy the second condition, which is to demonstrate that no other motor carrier is able to provide the motor carrier service proposed by Applicant. Even though ISS states that Applicant is the only motor carrier that can meet its time restrictions and availability demands, the record indicates that there are presently one hundred eleven (111) motor carriers with general commodities authority on the island of Oahu.<sup>1</sup> The commission is not convinced that not one of these carriers could meet ISS' time restrictions and availability demands. The commission, thus, concludes that Applicant's request for temporary authority should be denied.

### III.

#### Orders

##### THE COMMISSION ORDERS:

1. Applicant's request for temporary authority 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 is denied.


2. This docket is closed unless otherwise ordered by the commission.

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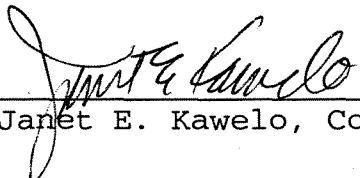
<sup>1</sup>The commission takes administrative notice of all motor carrier records kept at the commission's office.

DONE at Honolulu, Hawaii NOV 30 2005.


PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Carlito P. Caliboso, Chairman

By (EXCUSED)  
Wayne H. Kimura, Commissioner

By   
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

  
Stacey Kawasaki Djou  
Commission Counsel

05-0247.sl

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 22141 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

JIMMY'S RAZOR BACK PUMPING SERVICES, INC.  
P. O. Box 1281  
Waianae, HI 96792

  
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Karen Higashi

DATED: NOV 30 2005