BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
)
HOWARD ALAPAI, dba
WESTSIDE TRUCKING)
)
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. 22197

Filed Dec. 27, 2005
At 10:30 o’clock A.M.

Karen Higashl
Chief Clerk of the Commission

ATTEST: A True Copy
KAREN HIGASHI
Chief Clerk, Public Utilities
Commission, State of Hawaii.
BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)

HOWARD ALAPAI, dba )
WESTSIDE TRUCKING )

To Sell, Lease, Assign, Mortgage or) Docket No. 05-0223
Otherwise Dispose of, or Encumber ) Decision and Order No. 2 2 1 9 7
The Whole or Any Part of Its )
Property, Certificate, or Permit. )

DECISION AND ORDER

By this Decision and Order, the commission approves the transfer of certificate of public convenience and necessity number 5171-C ("Certificate No. 5171-C") from HOWARD ALAPAI, dba WESTSIDE TRUCKING ("Transferor"), to WESTSIDE TRUCKING, INC. ("Transferee"), subject to certain conditions, as described herein.

I.

Application to Transfer Common Carrier Authority

On September 2, 2005, Transferor filed an application seeking commission approval to transfer Certificate No. 5171-C to Transferee, pursuant to Hawaii Revised Statutes ("HRS") § 271-18. Under Certificate No. 5171-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 Hawaii in the general commodities and dump truck classifications.
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. 5171-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. 5171-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
fee of $20 for motor carrier gross revenues, and filing the appropriate insurance documents.

3. Transferor shall surrender Certificate No. 5171-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.
DONE at Honolulu, Hawaii  

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 Djoh 
Commission Counsel 

05-0223.rpr
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 22197 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. 0. Box 541
Honolulu, HI 96809

HOWARD ALAPAI, dba
WESTSIDE TRUCKING
c/o LYNELL ALAPAI
74-5079 Kealapua Street
Kailua-Kona, HI 96740

WESTSIDE TRUCKING, INC.
c/o LYNELL ALAPAI
74-5079 Kealapua Street
Kailua-Kona, HI 96740

DAVIS KAAPU, ESQ.
ATTORNEY AT LAW
75-5751 Kuakini Hwy., Suite 201
Kailua-Kona, HI 96740

DATED: DEC 2 3 2005

Karen Higashi