BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
)
KGML BACK HOE SERVICES LLC)
)
DOCKET NO. 2006-0046
)
For a Motor Carrier Certificate or)
Permit.
)

DECISION AND ORDER NO. 22580

Filed June 29, 2006
At 2 o'clock P.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
KGML BACK HOE SERVICES LLC
d) Docket No. 2006-0046
For a Motor Carrier Certificate or Permit.
Decision and Order No. 22580

DECISION AND ORDER

By this Decision and Order, the commission grants KGML BACK HOE SERVICES LLC ("Applicant") a certificate of public convenience and necessity ("Certificate") to operate as a common carrier of property by motor vehicle over irregular routes on the island of Maui in the general commodities and dump truck classifications, subject to certain conditions, as described herein.

I.

Application for Common Carrier Authority

On March 3, 2006, Applicant filed an application requesting a Certificate to operate as a common carrier of property by motor vehicle over irregular routes on the island of Maui in the general commodities, dump truck, and specific commodities (equipment) classifications. The application is made pursuant to Hawaii Revised Statutes ("HRS") § 271-12.

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 ("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 services, and to conform to HRS chapter 271 and the
requirements and rules of the commission. We also find that the
proposed services are required by the present and future public
convenience and necessity. Accordingly, we conclude that
Applicant’s request for operating authority in the general
commodities and dump truck classifications should be granted.

With respect to Applicant’s request to operate as a
common carrier of property in the specific commodities
(equipment) classification, the commission notes that the
transportation of equipment is allowed under the Applicant’s
general commodities authority when granted. We, thus, find that
Applicant’s request to operate in the specific commodities
(equipment) classification is unnecessary and should be
dismissed.
THE COMMISSION ORDERS:

1. Applicant's request to operate as a common carrier of property by motor vehicle over irregular routes on the island of Maui in the specific commodities (equipment) classification is dismissed.

2. Applicant is granted a Certificate to operate as a common carrier of property by motor vehicle over irregular routes on the island of Maui in the general commodities and dump truck classifications.

3. 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.

4. 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 vacate this Decision and Order.

5. Applicant 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 JUN 29 2006

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By Carlito P. Caliboso, Chairman

( EXCUSED )
Wayne H. Kimura, Commissioner

By Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

Stacey Kawasaki Djou
Commission Counsel
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 22580 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

JOHN E. COLE, EXECUTIVE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
P. O. Box 541
Honolulu, HI  96809

KGML BACK HOE SERVICES, LLC
c/o KEITH-MARK KUALANI SR., MANAGER
P. O. Box 2784
Wailuku, HI  96793

DATED: JUN 29 2006

Karen Higashi