

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of)

CLARENCE L. LUKE, dba )  
WESTCOAST CDL DRIVING )  
SCHOOL & HAULING )

DOCKET NO. 2006-0173

For Temporary Common Carrier )  
Authority. )  
\_\_\_\_\_ )

DECISION AND ORDER NO. 22648

Filed July 25, 2006  
At 10 o'clock A.M.

Karen Higashi  
Chief Clerk of the Commission

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

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

K. Higashi

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Docket No. 2006-0173  
Decision and Order No. 22648

DECISION AND ORDER

By this Decision and Order, the commission denies the request of CLARENCE L. LUKE, dba WESTCOAST CDL DRIVING SCHOOL & HAULING ("Applicant"), for temporary authority to operate as a common carrier of property by motor vehicle in the general commodities classification over irregular routes on the island of Oahu.

I.

Application for Temporary Common Carrier Authority

On July 5, 2006, 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 classification. The application is made pursuant to Hawaii Revised Statutes ("HRS") § 271-16.

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.

In support of his application for temporary authority, Applicant submitted a letter from Island Recycling Incorporated ("IRI"), which stated that on several occasions it found itself in need of a commercial hauling service and was unable to find an outside company. The record indicates that there are presently one hundred and twenty-eight (128) motor carriers with general commodities authority on the island of Oahu.<sup>1</sup> The commission is not convinced that IRI could not avail itself of at least one of these carriers when it had need of a commercial hauling service. The commission, thus, concludes that Applicant has not satisfied the requirements for temporary authority set forth in HRS § 271-16, and, accordingly, that Applicant's request for temporary authority should be denied.

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

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 classification is denied.

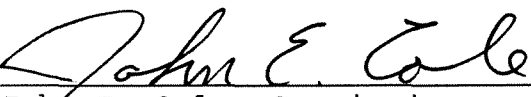
2. This docket is closed unless otherwise ordered by the commission.

DONE at Honolulu, Hawaii JUL 25 2006.

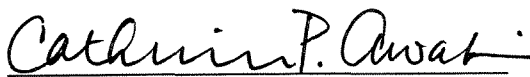
PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Carlito P. Caliboso, Chairman

By (EXCUSED)  
Wayne H. Kimura, Commissioner

By   
John E. Cole, Commissioner

APPROVED AS TO FORM:

  
for Stacey Kawasaki Djou  
Commission Counsel

2006-0173.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 22648 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

CLARENCE L. LUKE, dba  
WESTCOAST CDL DRIVING SCHOOL & HAULING  
86-178 Moelima Place  
Waianae, HI 96792

  
\_\_\_\_\_  
Karen Higashi

DATED: JUL 25 2006