

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Request of)
)
MARILYN WAIOLA NAPIER, dba)
BAR NONE EQUIPMENT RENTAL)
)
To Reactivate Motor Carrier)
Certificate No. 2064-C)
_____)

DOCKET NO. 05-0036

In the Matter of the Application of)
)
MARILYN WAIOLA NAPIER, dba)
BAR NONE EQUIPMENT RENTAL)
)
To Sell, Lease, Assign, Mortgage or)
Otherwise Dispose of, or Encumber)
The Whole or Any Part of Its)
Property, Certificate, or Permit.)
_____)

DOCKET NO. 2006-0130
(CONSOLIDATED)

DECISION AND ORDER NO. 22656

Filed July 26, 2006
At 12 o'clock P.M.

Karen Higashi
Chief Clerk of the Commission

RECEIVED
2006 JUL 27 A 9:24
DIV. OF CONSUMER ADVOCACY
DEPT. OF COMMERCE AND
CONSUMER AFFAIRS
STATE OF HAWAII

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Request of)) MARILYN WAIOLA NAPIER, dba) BAR NONE EQUIPMENT RENTAL)) To Reactivate Motor Carrier) Certificate No. 2064-C) _____)	Docket No. 05-0036
In the Matter of the Application of)) MARILYN WAIOLA NAPIER, dba) BAR NONE EQUIPMENT RENTAL)) To Sell, Lease, Assign, Mortgage or) Otherwise Dispose of, or Encumber) The Whole or Any Part of Its) Property, Certificate, or Permit.) _____)	Docket No. 2006-0130 (Consolidated) Decision and Order No. 22656

DECISION AND ORDER

By this Decision and Order, the commission reactivates certificate of public convenience and necessity number 2064-C ("Certificate No. 2064-C"), held by MARILYN WAIOLA NAPIER, dba BAR NONE EQUIPMENT RENTAL, ("Transferor"), and approves the transfer of Certificate No. 2064-C from Transferor to RRL, INC. ("Transferee"), subject to certain conditions, as described herein.

I.

Application

On May 15, 2006, Transferor filed an application in Docket No. 2006-0130 seeking commission approval to transfer Certificate No. 2064-C to Transferee, pursuant to Hawaii Revised

Statutes ("HRS") § 271-18. Under Certificate No. 2064-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 and specific commodities (livestock and feed) 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.

On June 29, 2006, Transferor also filed a letter requesting that Certificate No. 2064-C be reactivated. By Order No. 22355, filed on March 28, 2006, in Docket No. 05-0036, Certificate No. 2064-C was placed on inactive status until March 9, 2007.

II.

Consolidation

Hawaii Administrative Rules ("HAR") § 6-61-39 provides that the commission, upon its own initiative, may consolidate two or more proceedings that involve related questions of fact or law if it finds that the consolidation will be conducive to the proper dispatch of its business and to the ends of justice, and will not unduly delay the proceedings.

Upon review of the record, we find that Docket Nos. 05-0036 and 2006-0130 involve related questions of fact and law. We also find that the consolidation of these proceedings will be conducive to the proper dispatch of the commission's business and the ends of justice, and will not unduly delay these proceedings.

Based on the foregoing, we conclude that Docket Nos. 05-0036 and 2006-0130 should be consolidated.

III.

Findings and Conclusions

At the outset, we find that there is good cause to grant Transferor's request to reactivate Certificate No. 2064-C, pursuant to HRS § 271-19.

Transferor also seeks commission approval to transfer Certificate No. 2064-C to Transferee, pursuant to HRS § 271-18. 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. 2064-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. Docket Nos. 05-0036 and 2006-0130 are consolidated, pursuant to HAR § 6-61-39.

2. Certificate No. 2064-C is reactivated, effective from the date of this Decision and Order.

3. Transferor's application to transfer Certificate No. 2064-C to Transferee is approved.


4. 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.

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 vacate this Decision and Order.

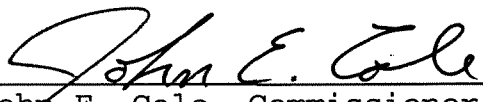
6. Transferee shall not commence operations under this Decision and Order until it has received written confirmation from the commission that all requirements have been met.

DONE at Honolulu, Hawaii JUL 26 2006.

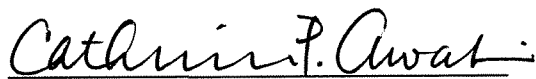
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

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

05-0036/2006-0130.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 22656 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

MARILYN WAIOLA NAPIER, dba
BAR NONE EQUIPMENT RENTAL
94-063 Hulahe Street
Waipahu, HI 96797

RRL, INC.
c/o LILY GALAPON
2265 Ho'one'e Place, #250
Honolulu, HI 96819



Karen Higashi

DATED: JUL 26 2006