BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of

LOPEZ TRUCKING & SONS, LLC

DOCKET NO. 2006-0111

For a Motor Carrier Certificate or Permit.

DECISION AND ORDER NO. 22658

Filed July 27, 2006
At 1:30 o'clock P.M.

Chief Clerk of the Commission

ATTEST: A True Copy

KAREN HIGASHI
DECISION AND ORDER

By this Decision and Order, the commission grants
LOPEZ TRUCKING & SONS, 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 Kauai in the dump truck classification, subject to
certain conditions, as described herein.

I.

Application for Common Carrier Authority

On May 8, 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
Kauai in the dump truck classification. 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 service, and to conform to HRS chapter 271 and the requirements and rules of the commission. We also find that the proposed service is required by the present and future public convenience and necessity. Accordingly, we conclude that Applicant’s request for operating authority, as set forth in the application, should be granted.

III. 
Orders

THE COMMISSION ORDERS:

1. Applicant is granted a Certificate to operate as a common carrier of property by motor vehicle over irregular routes on the island of Kauai in the dump truck classification.

2. 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.
3. 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.

4. 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 \underline{JUL 27 2006}.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By \underline{Carlito P. Caliboso, Chairman}

(\underline{EXCUSED})

By \underline{Wayne H. Kimura, Commissioner}

\underline{By \text{John E. Cole, Commissioner}}

APPROVED AS TO FORM:

\underline{Stacey Kawasaki Djou}  
Commission Counsel

2006-0111.cs
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 22658 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

LOPEZ TRUCKING & SONS, LLC
c/o TIMOTHY J. LOPEZ
P. O. Box 190
Kaumakani, HI 96747

SHERMAN SHIRAISHI, ESQ.
2970 Kress Street
Lihue, HI 96766

DATED: JUL 27, 2006

Karen Higashi