

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of)  
E & A PRODUCE, INC. )  
For Extension of Motor Carrier )  
Certificate. )  
\_\_\_\_\_ )

DOCKET NO. 2006-0155

DECISION AND ORDER NO. 22806

Filed August 30, 2006  
At 11 o'clock A.M.

Michelle S.U.M. Kau  
for Chief Clerk of the Commission

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

2006 AUG 31 A 8:38

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

Michelle S.U.M. Kau

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Docket No. 2006-0155  
Decision and Order No. 22806

DECISION AND ORDER

By this Decision and Order, the commission authorizes E & A PRODUCE, INC. ("Applicant") to extend its authority under certificate of public convenience and necessity number 5175-C ("Certificate No. 5175-C") to include the dump truck classification on the island of Hawaii, subject to certain conditions, as described herein.

I.

Application to Extend Common Carrier Authority

Applicant is a common carrier of property by motor vehicle over irregular routes on the island of Hawaii in the general commodities classification. On June 13, 2006, Applicant filed an application seeking commission approval to extend its authority under Certificate No. 5175-C to include the dump truck classification.

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 Hawaii Revised Statutes 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 an extension of its authority should be granted.

## III.

### Orders

#### THE COMMISSION ORDERS:

1. Applicant 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.

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.

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 in the dump truck classification until it has received written confirmation from the commission that all requirements have been met.

DONE at Honolulu, Hawaii AUG 30 2006.

PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By Carlito P. Caliboso  
Carlito P. Caliboso, Chairman

By John E. Cole  
John E. Cole, Commissioner

APPROVED AS TO FORM:

Stacey Kawasaki Djou  
Stacey Kawasaki Djou  
Commission Counsel

2006-0155.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 22806 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

E & A PRODUCE INC.  
P. O. Box 345  
Pahoa, HI 96778

Michelle S.U.M. Kau  
for Karen Higashi

DATED: AUG 30 2006