BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
E & A PRODUCE, INC. ) DOCKET NO. 2006-0155
) For Extension of Motor Carrier
) Certificate.

DECISION AND ORDER NO. 22806

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

MICHIN S.U.M. KAU
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)
E & A PRODUCE, INC. ) Docket No. 2006-0155
) Decision and Order No. 22806
Certificate.

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, Chairman

By John E. Cole, Commissioner

APPROVED AS TO FORM:

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

DATED: AUG 30 2006