

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
ONIPA'A TRUCKING, LLC)
For Temporary Authority to Extend)
Certificate No. 2201-C to Include)
the Island of Maui.)
_____)

DOCKET NO. 2006-0331

DECISION AND ORDER NO. 22809

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

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

Michelle S.U.M. Kau

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In the Matter of the Application of)
ONIPA'A TRUCKING, LLC)
For Temporary Authority to Extend)
Certificate No. 2201-C to Include)
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_____)

Docket No. 2006-0331
Decision and Order No. 22809

DECISION AND ORDER

By this Decision and Order, the commission denies the request of ONIPA'A TRUCKING, LLC ("Applicant") for temporary authority to extend its operations under certificate of public convenience and necessity number 2201-C ("Certificate No. 2201-C") to include the general commodities and dump truck classifications on the island of Maui.

I.

Application for Temporary Common Carrier Authority

Applicant is a common carrier of property by motor vehicle over irregular routes on the island of Oahu in the general commodities and dump truck classifications. On August 10, 2006, Applicant filed an application requesting temporary authority to extend its operations under Certificate No. 2201-C to include the general commodities and dump truck classifications on the island of Maui. 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., Docket No. 96-0437, Decision and Order No. 15274, (December 23, 1996). Moreover, the commission may, at its discretion, grant temporary authority without hearings or other proceedings. HRS § 271-16.

In support of its application for temporary authority, Applicant submitted a letter from Royal Contracting Company ("RCC"), which stated that it was unable to secure trucks for its project at Kula, Maui. The record indicates that there are presently twenty-nine (29) motor carriers with general commodities authority and forty-nine (49) motor carriers with dump truck authority on the island of Maui.¹ As RCC's letter fails to mention which of the above trucking companies were contacted and were unavailable for its project, the letter is insufficient to demonstrate an absence of carrier service capable of meeting the need. The commission, thus, concludes that Applicant has not satisfied the requirements for temporary

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

authority set forth in HRS § 271-16, and, accordingly, that Applicant's request for temporary authority should be denied.

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 Maui in the general commodities and dump truck classifications is denied.

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

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

2006.0331.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 22809 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

ONIPA'A TRUCKING, LLC
c/o EDWARD KALAHIKI HIAPO
P. O. Box 681
Waimanalo, HI 96795

Michelle S.U.M. Kau
for Karen Higashi

DATED: AUG 30 2006