

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of)  
LEeward AUTO WRECKERS, INC. )  
For Temporary Contract Carrier )  
Authority. )  
\_\_\_\_\_ )

DOCKET NO. 2006-0388

DECISION AND ORDER NO. 22925

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

Filed October 5, 2006  
At 12 o'clock P.M.

Bonnie K. Kane  
for Chief Clerk of the Commission

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

BEFORE THE PUBLIC UTILITIES COMMISSION  
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In the Matter of the Application of)  
LEeward AUTO WRECKERS, INC. )  
For Temporary Contract Carrier )  
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Docket No. 2006-0388  
Decision and Order No. 22925

DECISION AND ORDER

By this Decision and Order, the commission denies the request of LEEWARD AUTO WRECKERS, INC. ("Applicant") for temporary authority to operate as a contract carrier of property by motor vehicle in the specific commodities (containers, heavy machinery, equipment, and scrap metal) classification over irregular routes on the island of Oahu, pursuant to a contract with Schnitzer Steel Hawaii Corp.

I.

Application for Temporary Contract Carrier Authority

On September 22, 2006, Applicant filed an application requesting temporary authority to operate as a contract carrier of property by motor vehicle in the specific commodities (containers, heavy machinery, equipment, and scrap metal) classification over irregular routes on the island of Oahu, pursuant to a contract with Schnitzer Steel Hawaii Corp. 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 Schnitzer Steel Hawaii Corp. ("SSHIC"), which states, among other things, that SSHIC (1) urgently needs Applicant's services to haul scrap metal, (2) that many motor carriers are reluctant to haul scrap metal and are not properly equipped, and (3) that Applicant has been hauling its own scrap metal for decades and is very familiar with the special needs and challenges associated with this type of hauling.

Based upon our review of the application, we find that Applicant does not meet the criteria for temporary authority set forth in HRS § 271-16. The record indicates that there are presently one hundred and thirty-one (131) motor carriers with general commodities authority and one hundred and

twenty-seven (127) motor carriers with dump truck authority on the island of Oahu.<sup>1</sup> Thus, the commission is not convinced that among these many certificated carriers that there are not enough carriers willing to haul scrap metal for SSHIC. The commission, thus, concludes that Applicant has not satisfied the requirements for temporary 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 contract carrier of property by motor vehicle in the specific commodities (containers, heavy machinery, equipment, and scrap metal) classification over irregular routes on the island of Oahu, pursuant to a contract with Schnitzer Steel Hawaii Corp. is denied.

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

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

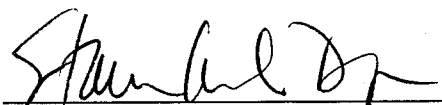
DONE at Honolulu, Hawaii OCT - 5 2006.

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

2006-0388.sl


CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 22925 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

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BILL BATHE  
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Waianae, HI 96792

  
for Karen Higashi

DATED: OCT - 5 2006