BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
KANO TRUCKING SERVICE, LTD. ) DOCKET NO. 2006-0380
)
To Sell, Lease, Assign, Mortgage or)
Otherwise Dispose of, or Encumber)
The Whole or Any Part of its)
Property, Certificate, or Permit. )

DECISION AND ORDER NO. 23082

Filed November 27, 2006
At l o'clock P.M.

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)
KANO TRUCKING SERVICE, LTD. )
To Sell, Lease, Assign, Mortgage or)
Otherwise Dispose of, or Encumber )
The Whole or Any Part of Its )
Property, Certificate, or Permit. )

Docket No. 2006-0380

Decision and Order No. 23082

DECISION AND ORDER

By this Decision and Order, the commission approves the transfer of certificate of public convenience and necessity number 45-C ("Certificate No. 45-C") from KANO TRUCKING SERVICE, LTD. ("Transferor") to THEOPHYLLUS, INC. ("Transferee"), subject to certain conditions, as described herein.

I. Application to Transfer Common Carrier Authority

On September 18, 2006, Transferor filed an application seeking commission approval to transfer Certificate No. 45-C to Transferee, pursuant to Hawaii Revised Statutes ("HRS") § 271-18. Under Certificate No. 45-C, and pursuant to HRS § 271-12, Transferor is authorized to operate as a common carrier of property by motor vehicle over irregular routes on the island of Oahu in the general commodities classification.

Transferor served copies of the application on the Hawaii Transportation Association, which consists of carriers that may be affected by the proposed transfer, 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

Upon review of Transferor’s application, the commission finds that Transferee is fit, willing, and able to perform the services presently performed by Transferor, and that the proposed transfer of Certificate No. 45-C is just and reasonable and will be consistent with the public interest. Accordingly, the commission concludes that the proposed transfer is in accordance with HRS § 271-18, and should, therefore, be approved.

III.

Orders

THE COMMISSION ORDERS:

1. Transferor’s application to transfer Certificate No. 45-C to Transferee is approved.

2. Transferee 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. Transferor shall file with the commission its annual financial report for the period of operation from January 1, 2006, to the effective date of this Decision and 2006-0380.
Order, and shall pay the associated motor carrier gross revenue fee.

4. Transferor and Transferee 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.

5. Transferee 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 ________________

NOV 27 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
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 23082 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
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DATED: NOV 27 2006