# DEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

In the Matter of the Request of)

EXCAVATION TECH, LLC

To Place Operating Authority on)

Inactive Status.

Docket No. 2007-0030

ORDER NO. 23308

Filed March 16, 2007
At 12 o'clock P .M.

Chief Clerk of the Commission

2001 MAR 19 A 9: 2:

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

RECEIVED

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### ORDER

By this Order, the commission places certificate of public convenience and necessity no. 5165-C ("Certificate No. 5165-C"), held by EXCAVATION TECH, LLC ("Petitioner"), on inactive status for a period of twelve (12) months, effective from the date of this Order, pursuant to Hawaii Revised Statutes ("HRS") § 271-19(b).

I.

# Request to Place Common Carrier Authority on Inactive Status

On February 2, 2007, Petitioner filed a letter requesting that Certificate No. 5165-C be placed on inactive status. Certificate No. 5165-C authorizes Petitioner to transport property by motor vehicle over irregular routes on the island of Hawaii in the general commodities and dump truck classifications.

Under HRS § 271-19(b), the commission may place a certificate on inactive status upon written request by a motor carrier, and for good cause shown. The inactive period, however,

may not exceed twelve (12) months. In addition, HRS § 271-19(b) provides that inactive status may only be granted for a cumulative period not to exceed two (2) years over the life of the certificate.

The commission finds that there is good cause to grant Petitioner's request. If Petitioner so desires, it may file, prior to the expiration of the inactive period granted by this Order, a request to extend its inactive status for up to one (1) additional year.

II.

## <u>Orders</u>

#### THE COMMISSION ORDERS:

- 1. Petitioner's Certificate No. 5165-C is placed on inactive status for a period of twelve (12) months, effective from the date of this Order.
- 2. Pursuant to HRS § 271-19(b), if Certificate No. 5165-C is not reactivated prior to the expiration of the period of inactivity, it shall be declared abandoned and revoked. The request to reactivate Certificate No. 5165-C, along with the filing of all documents necessary for reactivation must be completed prior to the expiration of the inactivity period, or Certificate No. 5165-C shall be revoked.
- 3. Petitioner shall not transfer its inactive certificate unless Petitioner can first establish good cause to the commission for the transfer, and the commission has approved the request to transfer.

PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

John E. Cole, Commissioner

APPROVED AS TO FORM:

Stacey Kawasaki Djod

Commission Counsel

2007-0030.cp

## CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 23308 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

CATHERINE P. AWAKUNI
EXECUTIVE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
P. O. Box 541
Honolulu, HI 96809

EXCAVATION TECH, LLC 16-1938 Pahoa Highway Keaau, HI 96749

Karen Higashi

DATED: MAR 1 6 2007