BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Application of)

CONNIE LEE DEGUAIR, dba CROSSROADS WATER HAULING DOCKET NO. 2006-0468

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. 23320

Filed March 27, 2007 At 2 o'clock P.M.

Karen Higsel.

Chief Clerk of the Commission

ATTEST: A True Copy KAREN HIGASHI Chief Clerk, Public Utilities Commission, State of Hawaii. 87.

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To Sell, Lease, Assign, Mortgage or) Otherwise Dispose of, or Encumber) The Whole or Any Part of Its) Property, Certificate, or Permit.) Docket No. 2006-0468 Decision and Order No. 23320

DECISION AND ORDER

By this Decision and Order, the commission approves the transfer of certificate of public convenience and necessity number 5139-C ("Certificate No. 5139-C") from CONNIE LEE DEGUAIR, dba CROSSROADS WATER HAULING ("Transferor"), to CROSSROADS HAULING LLC ("Transferee"), subject to certain conditions, as described herein.

I.

Application to Transfer Common Carrier Authority

On December 4, 2006, Transferor filed an application seeking commission approval to transfer Certificate No. 5139-C to Transferee, pursuant to Hawaii Revised Statutes ("HRS") § 271-18. Under Certificate No. 5139-C, and pursuant to HRS § 271-12, Transferor is authorized to operate as a common carrier of property by motor vehicle in the specific commodities (water hauling) classification over irregular routes on the island of Hawaii, limited to serving the area from Hilo to Volcano, including Kalapana.

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. 5139-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:

Transferor's application to transfer Certificate
No. 5139-C to Transferee is approved.

2. Transferee shall comply with all of the commission's requirements for common carriers by motor vehicle

2

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 her annual financial report for the period of operation from January 1, 2007, to the effective date of this Decision and Order, and shall pay the associated motor carrier gross revenue fee.

4. Transferor shall file an annual financial report for the calendar year 2006, and pay the associated motor carrier gross revenue fee for the calendar year 2006 by April 30, 2007.

5. 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.

6. 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.

3

DONE at Honolulu, Hawaii MAR 2 7 2007

PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

A P Cel By_ Con Carlito P. Caliboso, Chairman

Short. Co В John E. Cole, Commissioner

APPROVED AS TO FORM:

Kawagaki Djou Stacey Commission Counsel

2006-0468.cp

Sir

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing <u>Decision and Order No. 23320</u> 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

CONNIE LEE DEGUAIR, dba CROSSROADS WATER HAULING 91-1019 Hanakahi Street Ewa Beach, HI 96706

CROSSROADS HAULING LLC c/o CHRISTINA R. SANTOS MELANIE A. ROBERTSON P. O. Box 1204 Keaau, HI 96749

Furen Higashi

DATED: MAR 2 7 2007