BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Application of)

WENDELL DUARTE, dba W. DUARTE TRUCKING

DOCKET NO. 2007-0146

For a Motor Carrier Certificate or) Permit.

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DECISION AND ORDER NO. 23649

Filed <u>Sept. 11</u>, 2007 At <u>12</u> o'clock <u>P</u>.M.

Hvun Higsel.

Chief Clerk of the Commission

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

BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Application of)

WENDELL DUARTE, dba W. DUARTE TRUCKING Docket No. 2007-0146 Decision and Order No. 23649

For a Motor Carrier Certificate or) Permit.)

DECISION AND ORDER

By this Decision and Order, the commission grants WENDELL DUARTE, dba W. DUARTE TRUCKING ("Applicant"), a certificate of public convenience and necessity ("Certificate") to operate as a common carrier of property by motor vehicle over irregular routes on the island of Oahu in the specific commodities (equipment and construction materials) and dump truck classifications, subject to certain conditions, as described herein.

I.

Application for Common Carrier Authority

On May 31, 2007, Applicant filed an application requesting a Certificate to operate as a common carrier of property by motor vehicle over irregular routes on the island of Oahu in the specific commodities (equipment and construction materials) and dump truck classifications. The application is made pursuant to Hawaii Revised Statutes ("HRS") § 271-12. Applicant served copies of the application on the Hawaii Transportation Association, which consists of carriers that may be affected by Applicant's proposed service, 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

Based upon our review of the record, we find that Applicant is fit, willing, and able to properly perform the proposed service, and to conform to HRS chapter 271 and the requirements and rules of the commission. We also find that the proposed service is required by the present and future public convenience and necessity. Accordingly, we conclude that Applicant's request for operating authority, as set forth in the application, should be granted.

III.

Orders

THE COMMISSION ORDERS:

1. Applicant is granted a Certificate to operate as a common carrier of property by motor vehicle over irregular routes on the island of Oahu in the specific commodities (equipment and construction materials) and dump truck classifications.

2

2. Applicant 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. Applicant 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.

4. Applicant shall not commence operations under this Decision and Order until he has received written confirmation from the commission that all requirements have been met.

DONE at Honolulu, Hawaii SEP 1 1 2007

PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

Caliboso, Chairman Carlito P.

APPROVED AS TO FORM:

By

John E. Cole, Commissi By

Leslie H. Kondo, Commissioner

Diou Commission Counsel

2007-0146.cp

3

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing <u>Decision and Order No.</u> 23649 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

WENDELL DUARTE, dba W. DUARTE TRUCKING P. O. Box 301 Waimanalo, HI 96795

Karen Higashi

DATED: SEP 1 1 2007