

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
ERNEST R. MENDES, JR., dba)
BANDIT TRUCKING)
For Extension of Motor Carrier)
Certificate.)
_____)

DOCKET NO. 2007-0210

DECISION AND ORDER NO. 23796

Filed NOV. 1, 2007
At 2 o'clock P.M.

Karen Higashi
Chief Clerk of the Commission

RECEIVED

2007 NOV -2 A 9:06

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

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

K. Higashi

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ERNEST R. MENDES, JR., dba)
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Docket No. 2007-0210
Decision and Order No. 23796

DECISION AND ORDER

By this Decision and Order, the commission authorizes ERNEST R. MENDES, JR., dba BANDIT TRUCKING ("Applicant"), to extend his authority under certificate of public convenience and necessity number 4042-C ("Certificate No. 4042-C") to include the general commodities classification on the island of Maui, subject to certain conditions, as described herein.

I.

Application to Extend Common Carrier Authority

Applicant is a common carrier of property by motor vehicle over irregular routes on the island of Maui in the dump truck classification. On July 31, 2007, Applicant filed an application seeking commission approval to extend his authority under Certificate No. 4042-C to include the general commodities and specific commodities (containers and lowboy hauling) classifications.

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 in the general commodities classification should be granted.

With respect to Applicant's request to operate as a common carrier of property in the specific commodities (containers and lowboy hauling) classification, the commission notes that the transportation of containers and lowboy hauling is allowed under Applicant's general commodities authority when granted. We, thus, find that Applicant's request to operate in the specific commodities classification is unnecessary and should be dismissed.

III.

Orders

THE COMMISSION ORDERS:

1. Applicant's request to operate as a common carrier of property by motor vehicle over irregular routes on the island of Maui in the specific commodities (containers and lowboy hauling) classification is dismissed.

2. Applicant is authorized to operate as a common carrier of property by motor vehicle over irregular routes on the island of Maui in the general commodities and dump truck classifications.

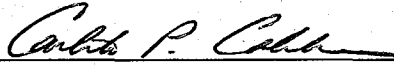
3. Applicant shall comply with all of the commission's requirements for common carriers by motor vehicle including, but not limited to, filing a lawful tariff and filing the appropriate insurance documents.

4. 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.

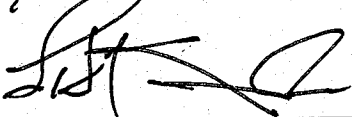
5. Applicant shall not commence operations in the general commodities classification until he has received written confirmation from the commission that all requirements have been met.

DONE at Honolulu, Hawaii NOV - 1 2007

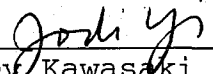
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
John E. Cole, Commissioner

By 
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:


for Stacey Kawasaki Djou
Commission Counsel

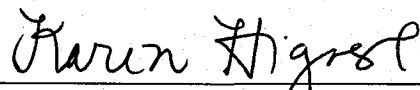
2007-0210.cp

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 23796 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

ERNEST R. MENDES, JR., dba
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4890 Kahekili Highway
Wailuku, HI 96793



Karen Higashi

DATED: NOV - 1 2007