

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
)
DON TAVARES, dba)
DON'S TRUCKING)
)
To Transfer a Motor Carrier)
Certificate or Permit and to)
Extend Operating Authority.)
_____)

DOCKET NO. 2008-0045

DECISION AND ORDER

FILED

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Docket No. 2008-0045

DECISION AND ORDER

By this Decision and Order, the commission approves the request to (1) transfer certificate of public convenience and necessity number 4066-C ("Certificate No. 4066-C") from DON TAVARES, dba DON'S TRUCKING ("Transferor"), to DON'S TRUCKING LLC ("Transferee"), and (2) extend the authority under Certificate No. 4066-C to include the general commodities classification on the island of Maui, subject to certain conditions, as described herein.

I.

Application to Transfer and Extend Common Carrier Authority

Transferor holds Certificate No. 4066-C, which authorizes Transferor to transport property by motor vehicle over irregular routes on the island of Maui in the dump truck classification. On February 29, 2008, Transferor filed an application seeking commission approval to transfer Certificate No. 4066-C to Transferee and to extend the operating authority

under Certificate No. 4066-C to include the general commodities classification on the island of Maui.

Transferor served copies of the application on the Hawaii Transportation Association, which consists of carriers that may be affected by the proposed transfer and extension of authority, 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. 4066-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 Hawaii Revised Statutes ("HRS") § 271-18, and should, therefore, be approved.

The commission also finds that the proposed expansion of authority is required by the present and future public convenience and necessity and that Transferee 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. Accordingly, the commission concludes that the request for an expansion of authority should be granted.

III.

Orders

THE COMMISSION ORDERS:

1. Transferor's application to transfer Certificate No. 4066-C to Transferee is approved.

2. The request to extend the authority under Certificate No. 4066-C is approved. Transferee 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. Within one hundred and twenty (120) days after service of this Decision and Order, Transferee shall:

- a. Complete and submit the enclosed insurance forms: (a) Motor Carrier Cargo Certificate of Insurance (MCB-8), and (b) Motor Carrier Cargo Insurance Endorsement (MCB-9). The forms should include the policy number and be completed and signed by Transferee's insurance agent or company; or they will be rejected.¹
- b. File a tariff in accordance with Hawaii Administrative Rules, Chapter 6-63. As the application indicates that Transferee will be participating in the tariff published by the Western Motor Tariff Bureau, Inc. ("WMTB"), Transferee shall submit an executed Rate and Tariff Agreement or a tariff scope sheet confirming Applicant's membership in the tariff bureau.²
- c. Complete and submit the enclosed "Vehicle Inventory List" form. Transferee shall list all vehicles, including trailers, that it intends to use in the proposed operation. The vehicles utilized must be registered

¹An explanation of the cargo insurance coverage requirements is attached to this Decision and Order.

²WMTB may be contacted at 836-5874, or toll free at (866) 585-5874, for more information.

under the name of the limited liability company. If Transferee chooses to lease any vehicle, it is required to complete and submit a "Motor Vehicle Equipment Lease" form. The form is available on the commission's website at www.hawaii.gov/budget/puc.

d. Submit a copy of the current Certificate of Registration or ownership document for all vehicles listed on the Vehicle Inventory List.

4. Within one hundred and twenty (120) days after service of this Decision and Order, Transferor shall:

a. File its annual financial report for the period of operation from January 1, 2008, to the effective date of this Decision and Order, and pay the associated motor carrier gross revenue fee.

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 may constitute 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.


DONE at Honolulu, Hawaii

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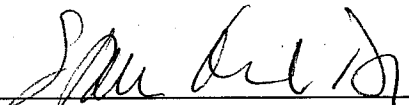
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By: 
Carlito P. Caliboso, Chairman

By: 
John E. Cole, Commissioner

By: 
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:


Stacey Kawasaki Djou
Commission Counsel

2008-0045.laa

CERTIFICATE OF SERVICE

The foregoing order was served on the date of filing by mail, postage prepaid, and properly addressed to the following parties:

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

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