

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
ERNEST R. MENDES, JR., dba)
BANDIT TRUCKING)
To Sell, Lease, Assign, Mortgage or)
Otherwise Dispose of, or Encumber)
The Whole or Any Part of Its)
Property, Certificate, or Permit.)

DOCKET NO. 2008-0099

DECISION AND ORDER

RECEIVED

2008 SEP -5 A 7:59

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

PUBLIC UTILITIES
COMMISSION

2008 SEP -4 A 11:34

FILED

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. 4042-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:

1. Transferor's application to transfer Certificate No. 4042-C to Transferee is approved.

2. 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) Uniform Motor Carrier Bodily Injury and Property Damage Certificate of Insurance (WC-3539), and (b) Uniform Motor Carrier Bodily Injury and Property Damage Liability Endorsement (WC-3538). 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

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

- a. File his 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.

4. 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.

¹An explanation of the liability 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.

5. 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 SEP - 4 2008.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By Carlito P. Caliboso
Carlito P. Caliboso, Chairman

By John E. Cole
John E. Cole, Commissioner

By Leslie H. Kondo
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:

Stacey Kawasaki Djou
Stacey Kawasaki Djou
Commission Counsel

2008-0099.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
P. O. Box 541
Honolulu, HI 96809

BANDIT TRUCKING, LLC
c/o ERNEST R. MENDES, JR.
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