

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of )  
 )  
 THOMAS WILLIAM SPENCER, dba )  
 KALAHEO TRUCKING & EQUIPMENT RENTAL )  
 )  
 For a Motor Carrier Certificate or )  
 Permit. )  
 \_\_\_\_\_ )

DOCKET NO. 2008-0117

DECISION AND ORDER

RECEIVED

2008 DEC 11 A 8:46

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

PUBLIC UTILITIES  
COMMISSION

2008 DEC 10 P 1:57

FILED



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"). On June 23, 2008, the Consumer Advocate informed the commission that it will not participate in this docket.

On July 17, 2008, Edwin Deluz Trucking & Gravel, LLC ("Movant") filed a motion to intervene in the instant proceeding ("Motion to Intervene"), which included a request that the commission hear oral arguments on the Motion to Intervene.

On September 8, 2008, oral argument on the Motion to Intervene was heard by the commission. On October 7, 2008, the commission issued an order denying Movant's Motion to Intervene.

## II.

### Findings and Conclusions

Based upon our review of the record, the commission finds 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. The commission also finds that the proposed service is required by the present and future public convenience and necessity. Accordingly, the commission concludes 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 Hawaii in the dump truck and specific commodities (heavy machinery and equipment) classifications.

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

- a. Complete and submit the enclosed insurance forms: (a) Uniform Motor Carrier Bodily Injury and Property Damage Certificate of Insurance (WC-3539), (b) Uniform Motor Carrier Bodily Injury and Property Damage Liability Endorsement (WC-3538), (c) Motor Carrier Cargo Certificate of Insurance (MCB-8), and (d) Motor Carrier Cargo Insurance Endorsement (MCB-9). The forms should include the policy number and be completed and signed by Applicant's insurance agent or company; or they will be rejected.<sup>1</sup>
- b. File a tariff in accordance with Hawaii Administrative Rules, Chapter 6-63.

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 may constitute 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.

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<sup>1</sup>An explanation of the liability and cargo insurance coverage requirements is attached to this Decision and Order.

DONE at Honolulu, Hawaii DEC 10 2008.

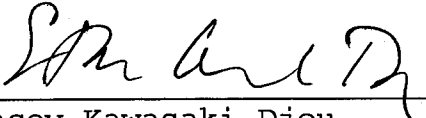
PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Carlito P. Caliboso, Chairman

By   
John E. Cole, Commissioner

By   
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:

  
Stacey Kawasaki Djou  
Commission Counsel

2008-0117.ps

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

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