

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Request of)
 BAD BOY'S TRUCKING LLC)
)
For Voluntary Surrender of)
Certificate or Permit)
_____)

DOCKET NO. 2007-0186

ORDER NO. 24038

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

2008 FEB 15 A 8:56

RECEIVED

Filed Feb. 14, 2008
At 2 o'clock P.M.

Karen Higashi.
Chief Clerk of the Commission

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

Karen Higashi.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Request of)
BAD BOY'S TRUCKING LLC)
For Voluntary Surrender of)
Certificate or Permit)
_____)

Docket No. 2007-0186
Order No. 24038

ORDER

By this Order, the commission suspends this docket until further order of the commission.

I.

Request to Surrender Common Carrier Authority

On July 6, 2007, Will S. Burt filed a letter requesting the cancellation of certificate of public convenience and necessity number 2199-C ("Certificate No. 2199-C") held by BAD BOY'S TRUCKING LLC.¹ In processing Mr. Burt's request, the commission reviewed the Department of Commerce and Consumer Affairs' Business Registration Division's ("BREG") records concerning BBT and found that BREG had placed a "freeze" on BBT's records, effective July 3, 2007, due to a dispute between Mr. Burt and Harlan B. Kamekona regarding the proper member(s) of BBT. Included in BREG's records was a letter from BREG addressed to Matthew S. Anbe, Esq., counsel for Mr. Kamekona, dated July 3, 2007, indicating that BREG had placed

¹Certificate No. 2199-C authorizes BBT to transport property by motor vehicle over irregular routes on the island of Oahu in the dump truck classification.

a "freeze" on BBT's records, but would "unfreeze" the records and accept documents for filing, provided that BREG receives a certification attesting to the rightful member(s) of BBT from: (1) all the parties involved; or (2) an independent third party (e.g., a court, an arbitrator, etc.).²

As there is a dispute between Mr. Burt and Mr. Kamekona regarding the proper member(s) of BBT, which dispute has also resulted in BREG putting a "freeze" on BBT's records, the commission finds that it is unable to act on Mr. Burt's request to cancel Certificate No. 2199-C until BBT's membership is resolved. Accordingly, the commission finds good cause to suspend this docket until it is provided with documentation attesting to the rightful member(s) of BBT from: (1) all of the parties involved; or (2) an independent third party (e.g., a court, arbitrator).

II.

Orders

THE COMMISSION ORDERS:

1. This docket is suspended until further order of the commission

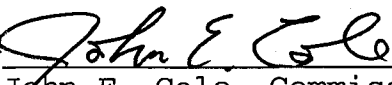
2. If the commission does not receive some documentation attesting to the rightful member(s) of BBT from: (1) all of the parties involved; or (2) an independent third party, within two years from the date of this Order, the request by Will S. Burt to surrender CPCN No. 2199-C will be dismissed without prejudice and this docket closed.

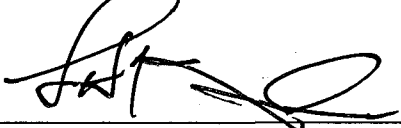
²BREG also sent a copy of the letter to Mr. Burt.

DONE at Honolulu, Hawaii FEB 14 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

2007-0186.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 24038 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

BAD BOY'S TRUCKING LLC
c/o WILL BURT
46-305 Kalali Street
Kaneohe, HI 96744

BAD BOY'S TRUCKING LLC
c/o Harlan B. Kamekona
45-118 William Henry Road
Kaneohe, HI 96744



Karen Higashi

DATED: FEB 14 2008