

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of )  
 )  
 RAYMOND T. IZUNO, SR., dba )  
 BAYFRONT SERVICE )  
 )  
 To Sell, Lease, Assign, Mortgage or )  
 Otherwise Dispose of, or Encumber )  
 The Whole or Any Part of Its )  
 Property, Certificate, or Permit. )  
 \_\_\_\_\_ )

DOCKET NO. 2007-0392

DECISION AND ORDER NO. 24104

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DIVISION OF PUBLIC UTILITIES  
STATE OF HAWAII

Filed March 25, 2008  
At 10 o'clock A .M.

Karen Higashi  
Chief Clerk of the Commission

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

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Docket No. 2007-0392  
Decision and Order No. 24104

DECISION AND ORDER

By this Decision and Order, the commission approves the transfer of certificate of public convenience and necessity number 5172-C ("Certificate No. 5172-C") from RAYMOND T. IZUNO, SR., dba BAYFRONT SERVICE ("Transferor"), to BAYFRONT SERVICE, INC. ("Transferee"), subject to certain conditions, as described herein.

I.

Application to Transfer Common Carrier Authority

On November 28, 2007, Transferor filed an application seeking commission approval to transfer Certificate No. 5172-C to Transferee, pursuant to Hawaii Revised Statutes ("HRS") § 271-18. Under Certificate No. 5172-C, and pursuant to HRS § 271-12, Transferor is authorized to operate as a common carrier of property by motor vehicle over irregular routes on the island of Hawaii in the specific commodities (heavy machinery and equipment) classification.

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. 5172-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. 5172-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), (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 Transferee'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. 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.<sup>2</sup>
- 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 under the name of the corporation. 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](http://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.

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.

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

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

b. File an annual financial report for the calendar year 2007, and pay the associated motor carrier gross revenue fee for the calendar year 2007 by April 30, 2008.

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.

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.

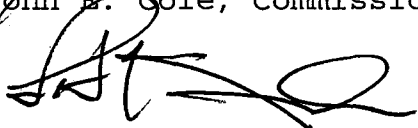
DONE at Honolulu, Hawaii MAR 25 2008.

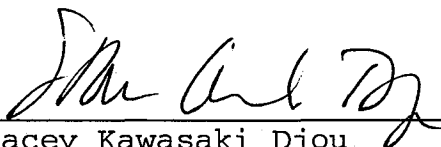
PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Carlito P. Caliboso, Chairman

By   
John E. Cole, Commissioner

APPROVED AS TO FORM:

  
By  
Leslie H. Kondo, Commissioner

  
Stacey Kawasaki Djou  
Commission Counsel

2007-0392.cp

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 24104 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

RAYMOND T. IZUNO, SR., dba  
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JEREL I. YAMAMOTO, ESQ.  
NAKAMOTO OKAMOTO & YAMAMOTO  
187 Kapiolani Street  
Hilo, HI 96720

  
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Karen Higashi

DATED: MAR 25 2008