

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
)
 CROSSROADS HAULING LLC)
)
 To Sell, Lease, Assign, Mortgage or)
 Otherwise Dispose of, or Encumber)
 The Whole or Any Part of Its)
 Property, Certificate, or Permit.)
 _____)

DOCKET NO. 2008-0264

DECISION AND ORDER

RECEIVED

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

PUBLIC UTILITIES
 COMMISSION

2009 JAN -8 P 12:16

FILED

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_____)

Docket No. 2008-0264

DECISION AND ORDER

By this Decision and Order, the commission approves the transfer of certificate of public convenience and necessity number 5139-C ("Certificate No. 5139-C") from CROSSROADS HAULING LLC ("Transferor") to JAY K. WALKER, dba J. WALKER EXCAVATING ("Transferee"), subject to certain conditions, as described herein.

I.

Application to Transfer Common Carrier Authority

On October 16, 2008, Transferor filed an application seeking commission approval to transfer Certificate No. 5139-C to Transferee, pursuant to Hawaii Revised Statutes ("HRS") § 271-18. Under Certificate No. 5139-C, and pursuant to HRS § 271-12, Transferor is authorized to operate as a common carrier of property by motor vehicle in the specific commodities (water hauling) classification over irregular routes on the island of Hawaii, limited to serving the area from Hilo to Volcano, including Kalapana.

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. 5139-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. 5139-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.

3. 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, 2009, to the effective date of this Decision and Order, and pay the associated motor carrier gross revenue fee.

b. File an annual financial report for the calendar year 2008, and pay the associated motor carrier gross revenue fee for the calendar year 2008 by April 30, 2009.

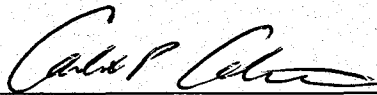
4. Transferor and Transferee shall comply with the foregoing requirements within one hundred and twenty (120) days after service of this Decision and Order. Failure to comply within the time specified may constitute cause for this commission to vacate this Decision and Order.

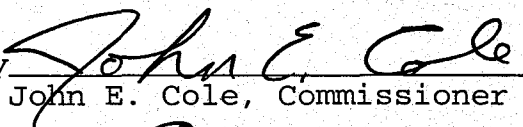
5. Transferee shall not commence operations under this Decision and Order until he has received written confirmation from the commission that all requirements have been met.

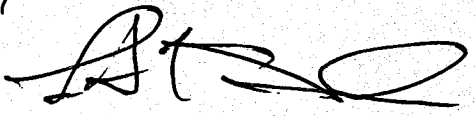
¹An explanation of the liability insurance coverage requirements is attached to this Decision and Order.

DONE at Honolulu, Hawaii JAN - 8 2009

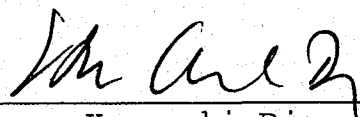
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
John E. Cole, Commissioner

By 
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:


Stacey Kawasaki Djou
Commission Counsel

2008-0264.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

CROSSROADS HAULING LLC
c/o Christina R. Santos & Melanie A. Robertson
P. O. Box 1204
Keaau, HI 96749

JAY K. WALKER, dba
J. WALKER EXCAVATING
P. O. Box 944
Pahoa, HI 96778