BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
)
SUN FRESH DELIVERY LLC)
)
For a Motor Carrier Certificate or)
Permit.)

DOCKET NO. 2008-0181

DECISION AND ORDER
BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of) )
SUN FRESH DELIVERY LLC ) Docket No. 2008-0181
) )
For a Motor Carrier Certificate or )
Permit. ) )

DECISION AND ORDER

By this Decision and Order, the commission grants
SUN FRESH DELIVERY LLC ("Applicant") a certificate of public
convenience and necessity ("Certificate") to operate as a common
carrier of property by motor vehicle over irregular routes on the
island of Maui in the general commodities classification, subject
to certain conditions, as described herein.

I.

Application for Common Carrier Authority

On September 15, 2008, Applicant filed an application
requesting a Certificate to operate as a common carrier of
property by motor vehicle over irregular routes on the island of
Maui in the general commodities classification. The application
was filed pursuant to Hawaii Revised Statutes ("HRS") § 271-12.

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"). The Consumer Advocate did not participate in this proceeding, and no persons moved to intervene in this docket.

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 Maui in the general commodities classification.

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.

b. File a tariff in accordance with Hawaii Administrative Rules, Chapter 6-63.

c. Complete and submit the enclosed "Vehicle Inventory List" form. Applicant shall list all vehicles that it intends to use in the proposed operation. The vehicles utilized must be registered under the name of the limited liability company. If Applicant 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.

d. Submit a copy of the current Certificate of Registration or ownership document for all vehicles listed on the Vehicle Inventory List.

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 it has received written confirmation from the commission that all requirements have been met.

'An explanation of the liability and cargo insurance coverage requirements is attached to this Decision and Order.
DONE at Honolulu, Hawaii ___JAN 22 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

2008-0181.cp
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

SUN FRESH DELIVERY LLC
P.O. Box 1827
Kahului, HI 96733