

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)

KOVE'S EQUIPMENT RENTAL, INC.)

For Temporary Common Carrier)
Authority.)

DOCKET NO. 2009-0090

DECISION AND ORDER

RECEIVED

2009 MAY 15 A 10:05

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

PUBLIC UTILITIES
COMMISSION

2009 MAY 14 P 1:53

FILED

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)

| | | |
|-------------------------------|---|----------------------|
| KOVE'S EQUIPMENT RENTAL, INC. |) | Docket No. 2009-0090 |
| |) | |
| For Temporary Common Carrier |) | |
| Authority. |) | |
| <hr/> | | |

DECISION AND ORDER

By this Decision and Order, the commission denies the request of KOVE'S EQUIPMENT RENTAL, INC. ("Applicant") for temporary authority to operate as a common carrier of property by motor vehicle in the general commodities, household goods, dump truck, and specific commodities classifications over irregular routes on the island of Hawaii.

I.

Application for Temporary Common Carrier Authority

On April 21, 2009, Applicant filed an application requesting temporary authority to operate as a common carrier of property by motor vehicle over irregular routes on the island of Hawaii in the general commodities, household goods, dump truck, and specific commodities classifications.¹ The application is made pursuant to Hawaii Revised Statutes ("HRS") § 271-16.

¹Applicant filed the application as a request to extend its authority under certificate of public convenience and necessity number 2140-C ("Certificate No. 2140-C"). Certificate No. 2140-C, however, was issued to a limited liability company, Kove's Equipment Rental LLC, on July 23, 2003 in Docket No. 02-0411. Certificate No. 2140-C authorizes Kove's Equipment Rental LLC to transport property by motor vehicle over irregular

II.

Findings and Conclusions

For a grant of temporary operating authority pursuant to HRS § 271-16, an applicant must satisfy two conditions. First, the applicant must establish that there is "an immediate and urgent need" for the proposed service. Second, the applicant must demonstrate "[an] absence of carrier service capable of meeting the need between points or in the territory where the temporary service will be instituted." See In re Robert's Tours & Transportation, Inc., Docket No. 96-0437, Decision and Order No. 15274 (December 23, 1996). Moreover, the commission may, at its discretion, grant temporary authority without hearings or other proceedings. HRS §271-16.

Applicant's proposed service includes the utilization of a dolly trailer which is capable of transporting two loads in one trip, i.e., two platforms, containers, flat racks, etc. Applicant claims that this service is not being done by other common carriers and provides an economic benefit to both customer and Applicant. Applicant represents that it has a client who is in immediate and urgent need of Applicant's service and is

routes on the island of Oahu in the dump truck classification. A search of the records at the Business Registration Division, Department of Commerce and Consumer Affairs, indicates that Kove's Equipment Rental LLC was converted to Applicant on March 19, 2009. Pursuant to HRS § 271-18(b), the transfer of a Certificate from one entity to another, e.g., from a limited liability company to a corporation, as in this instance, requires the filing of a formal application that must be approved by the commission. As the commission did not approve the transfer of Certificate No. 2140-C from Kove's Equipment Rental, LLC to Applicant, Applicant does not hold Certificate No. 2140-C, and, thus, the commission will treat its application as an application to institute a new operation and not as an extension of authority.

awaiting the commission's approval so that it can start utilizing Applicant's unique service.

Based upon our review of the application, we find that Applicant does not meet the criteria for temporary authority set forth in HRS § 271-16. Applicant did not provide any evidence in its application that would support its claim that it has a client with an immediate and urgent need for its service utilizing a dolly trailer or that its unique service is not offered by other common carriers on the island of Hawaii. Applicant also did not explain or substantiate why its household goods and dump truck services are immediately and urgently needed on the island of Hawaii. Thus, the commission concludes that Applicant's request for temporary authority should be denied.

III.

Orders

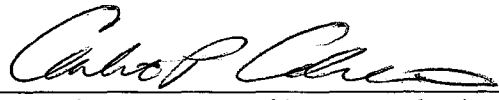
THE COMMISSION ORDERS:

1. Applicant's request for temporary authority to operate as a common carrier of property by motor vehicle over irregular routes on the island of Hawaii in the general commodities, household goods, dump truck, and specific commodities classifications is denied.


2. This docket is closed unless otherwise ordered by the commission.

DONE at Honolulu, Hawaii MAY 14 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

2009-0090.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

KALVIN KOVERMAN, PRESIDENT
KOVE'S EQUIPMENT RENTAL, INC.
91-1109 Koanimakani Street
Kapolei, HI 96707