

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
TRI ISLE, INCORPORATED, dba)
VALLEY ISLE EXPRESS, and dba)
HALEAKALA TRANSPORTATION)
& WAREHOUSING)
For a Motor Carrier Permit.)
_____)

DOCKET NO. 2009-0035

DECISION AND ORDER

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

PUBLIC UTILITIES
COMMISSION

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FILED

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In the Matter of the Application of)
TRI ISLE, INCORPORATED, dba) Docket No. 2009-0035
VALLEY ISLE EXPRESS, and dba)
HALEAKALA TRANSPORTATION)
& WAREHOUSING)
For a Motor Carrier Permit.)
_____)

DECISION AND ORDER

By this Decision and Order, the commission grants TRI ISLE, INCORPORATED, dba VALLEY ISLE EXPRESS, and dba HALEAKALA TRANSPORTATION & WAREHOUSING ("Applicant"), a contract carrier permit, pursuant to a contract with ATS International, dba Anderson Trucking ("ATSI"), to transport specific commodities (windmill parts, components, blades, nacelles, towers, etc.) on the islands of (1) Lanai and Molokai, (2) Oahu, limited to providing transportation services between Kalaeloa Harbor and Kahuku, and (3) Hawaii, limited to providing transportation services between Hilo Harbor and South Point Road, Naalehu, and subject to certain conditions, as described herein.

I.

Application for Contract Carrier Authority

Applicant is a common carrier of property by motor vehicle over irregular routes on the island of Maui in the general commodities, household goods, and dump truck

classifications.¹ By application filed on February 12, 2009, and amended on March 23, 2009, Applicant requests a contract carrier permit, pursuant to a contract with ATSI, to transport specific commodities (windmill parts, components, blades, nacelles, towers, etc.) on the islands of (1) Lanai and Molokai, (2) Oahu, limited to providing transportation services between Kalaeloa Harbor and Kahuku, and (3) Hawaii, limited to providing transportation services between Hilo Harbor and South Point Road, Naalehu. The application was filed pursuant to Hawaii Revised Statutes ("HRS") § 271-13.

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"). On March 20, 2009, the Consumer Advocate informed the commission that it will not participate in this proceeding.

On April 27, 2009, Lanai Trucking, Inc. ("Movant") filed a motion to intervene in this instant proceeding ("Motion to Intervene"). On May 28, 2009, the commission issued an order denying Movant's Motion to Intervene.

¹Applicant holds certificate of public convenience and necessity number 4009-C.

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 will meet the distinct needs of ATSI, and, pursuant to HRS § 271-13, will be consistent with the public interest and the transportation policy declared in HRS Chapter 271. In addition, the commission finds, pursuant to HRS § 271-15, that there is good cause to grant Applicant's request to hold both a common carrier certificate and a contract carrier permit, and that holding both licenses concurrently will be consistent with the public interest and transportation policy declared in HRS chapter 271. The commission, thus, concludes, that Applicant's request for a contract carrier permit should be granted.

III.

Orders

THE COMMISSION ORDERS:

1. Applicant is granted a contract carrier permit, pursuant to a contract with ATSI, to transport specific commodities (windmill parts, components, blades, nacelles, towers, etc.) on the islands of (1) Lanai and Molokai, (2) Oahu, limited to providing transportation services between Kalaeloa

Harbor and Kahuku, and (3) Hawaii, limited to providing transportation services between Hilo Harbor and South Point Road, Naalehu.

2. Within one hundred and twenty (120) days after service of this Decision and Order, Applicant shall:

a. File an executed copy of its contract with ATSI. The contract must include all terms and conditions under which the transportation services will be provided, as well as the rates being charged.

3. Applicant shall comply with the foregoing requirement 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.

DONE at Honolulu, Hawaii JUN 23 2009.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By Carlito P. Caliboso
Carlito P. Caliboso, Chairman

By John E. Cole
John E. Cole, Commissioner

APPROVED AS TO FORM:

Stacey Kawasaki Djou
Stacey Kawasaki Djou
Commission Counsel

By Leslie H. Kondo
Leslie H. Kondo, Commissioner

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

RICHARD N. BARRERAS, PRESIDENT
TRI ISLE, INCORPORATED, dba
VALLEY ISLE EXPRESS, and dba
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Wailuku, HI 96793