

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
)
NATHAN KAHOKULANI KUPIHEA, dba)
NK HAULING)
)
For a Motor Carrier Certificate or)
Permit.)
_____)

DOCKET NO. 2009-0146

DECISION AND ORDER

RECEIVED

2009 SEP -2 A 9:18

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

PUBLIC UTILITIES
COMMISSION

2009 SEP -1 P 12:21

FILED

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
NATHAN KAHOKULANI KUPIHEA, dba) Docket No. 2009-0146
NK HAULING)
For a Motor Carrier Certificate or)
Permit.)
_____)

DECISION AND ORDER

By this Decision and Order, the commission grants NATHAN KAHOKULANI KUPIHEA, dba NK HAULING ("Applicant"), a permit to operate as a contract carrier of property by motor vehicle over irregular routes on the island of Kauai in the specific commodities (scrap metal and white goods) classification, pursuant to a contract with the County of Kauai, and subject to certain conditions, as described herein.

I.

Application for Contract Carrier Authority

On July 1, 2009, Applicant filed an application requesting a permit to operate as a contract carrier of property by motor vehicle over irregular routes on the island of Kauai in the specific commodities (scrap metal and white goods) classification, pursuant to a contract with the County of Kauai. 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"). 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 will meet the distinct needs of the County of Kauai, and, pursuant to HRS § 271-13, will be consistent with the public interest and the transportation policy declared in HRS Chapter 271. 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 permit to operate as a contract carrier of property by motor vehicle over irregular routes on the island of Kauai in the specific commodities (scrap

metal and white goods) classification, pursuant to a contract with the County of Kauai.

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.¹
- b. File an executed copy of its contract with the County of Kauai. The contract must include all terms and conditions under which the transportation services will be provided, as well as the rates being charged.
- 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 Applicant. If Applicant chooses to lease any vehicle, he 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

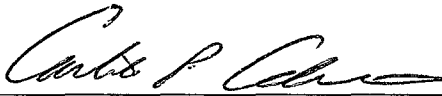
¹An explanation of the liability and cargo insurance coverage requirements is attached to this Decision and Order.

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

DONE at Honolulu, Hawaii SEP - 1 2009.

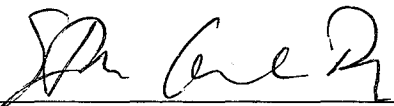
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
John E. Cole, Commissioner

By 
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:


Stacey Kawasaki Djou
Commission Counsel

2009-0146.sl

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

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