

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
KOVE'S EQUIPMENT RENTAL, INC.)
For a Motor Carrier Certificate or)
Permit.)
_____)

DOCKET NO. 2009-0091

DECISION AND ORDER

PUBLIC UTILITIES
COMMISSION

2009 SEP 17 A 10:10

FILED

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OF THE STATE OF HAWAII

In the Matter of the Application of)
 KOVE'S EQUIPMENT RENTAL, INC.) Docket No. 2009-0091
))
For a Motor Carrier Certificate or)
Permit.)

DECISION AND ORDER

By this Decision and Order, the commission grants KOVE'S EQUIPMENT RENTAL, INC. ("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 Hawaii in the general commodities and dump truck classifications, subject to certain conditions, as described herein.

I.

Application for Common Carrier Authority

By application filed on April 22, 2009, and amended on September 3, 2009, Applicant requests a Certificate to operate as a common carrier of property by motor vehicle over irregular routes on the island of Hawaii in the general commodities, dump truck, and specific commodities classifications.¹ The

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

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 services, and to conform to HRS Chapter 271 and the requirements and rules of the commission. The commission also finds that the proposed services are required by the present and future public convenience and necessity. Accordingly, the

No. 02-0411. Certificate No. 2140-C authorizes Kove's Equipment Rental LLC to transport property by motor vehicle over irregular 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.

commission concludes that Applicant's request for operating authority in the general commodities and dump truck classifications should be granted.

With respect to Applicant's request to operate as a common carrier of property in the specific commodities classification, the commission notes that the transportation of specific commodities is allowed under Applicant's general commodities authority when granted. The commission, thus, finds that Applicant's request to operate in the specific commodities classification is unnecessary and should be dismissed.

III.

Orders

THE COMMISSION ORDERS:

1. Applicant's request to operate as a common carrier of property by motor vehicle over irregular routes on the island of Hawaii in the specific commodities classification is dismissed.

2. Applicant is granted a Certificate to operate as a common carrier of property by motor vehicle over irregular routes on the island of Hawaii in the general commodities and dump truck classifications.

3. 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.²

- b. File a tariff in accordance with Hawaii Administrative Rules, Chapter 6-63. As the application indicates that Applicant will be participating in the tariff published by the Western Motor Tariff Bureau, Inc. ("WMTB"), Applicant shall submit an executed Rate and Tariff Agreement or a tariff scope sheet confirming Applicant's membership in the tariff bureau.
- 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 corporation. 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.

4. 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.

²An explanation of the liability and cargo insurance coverage requirements is attached to this Decision and Order.


³WMTB may be contacted at 836-5874, or toll free at (866) 585-5874, for more information.

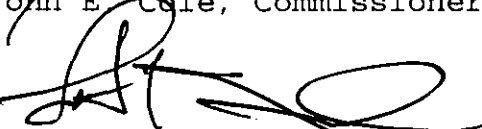
5. Applicant shall not commence operations under this Decision and Order until it has received written confirmation from the commission that all requirements have been met.

DONE at Honolulu, Hawaii SEP 17 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

2009-0091.laa

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
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