# BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

In the Matter of the Application of)

EDUARDO B. OLIVERIO

DOCKET NO. 2009-0190

To Sell, Lease, Assign, Mortgage or)
Otherwise Dispose of, or Encumber )
The Whole or Any Part of Its )
Property, Certificate, or Permit. )

## DECISION AND ORDER

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#### DECISION AND ORDER

By this Decision and Order, the commission approves the transfer of certificate of public convenience and necessity number 1947-C ("Certificate No. 1947-C") from EDUARDO B. OLIVERIO ("Transferor") to GO TRANSPORT LLC ("Transferee"), subject to certain conditions, as described herein.

I.

### Application to Transfer Common Carrier Authority

On August 26, 2009, Transferor filed an application seeking commission approval to transfer Certificate No. 1947-C to Transferee, pursuant to Hawaii Revised Statutes ("HRS") § 271-18. Under Certificate No. 1947-C, and pursuant to HRS § 271-12, Transferor is authorized to operate as a common carrier of passengers by motor vehicle over irregular routes on the island of Oahu in the 1-to-7 passenger classification.

Transferor served copies of the application on the Hawaii Transportation Association and the Hawaii State Certified Common Carriers Association, Inc., which consist of carriers that may be affected by the proposed transfer, 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

Upon review of Transferor's application, the commission finds that Transferee is fit, willing, and able to perform the services presently performed by Transferor, and that the proposed transfer of Certificate No. 1947-C is just and reasonable and will be consistent with the public interest. Accordingly, the commission concludes that the proposed transfer is in accordance with HRS § 271-18, and should, therefore, be approved.

III.

#### **Orders**

#### THE COMMISSION ORDERS:

- 1. Transferor's application to transfer Certificate No. 1947-C to Transferee is approved.
- 2. Within one hundred and twenty (120) days after service of this Decision and Order, Transferee shall:

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- a. File a tariff in accordance with Hawaii Administrative Rules, Chapter 6-63.
- 3. Within one hundred and twenty (120) days after service of this Decision and Order, Transferor shall:
  - a. File his annual financial report for the period of operation from January 1, 2009, to the effective date of this Decision and Order, and pay the associated motor carrier gross revenue fee.
- 4. Transferor and Transferee 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.
- 5. Transferee shall not commence operations under this Decision and Order until it has received written confirmation from the commission that all requirements have been met.

PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

Carlito P. Caliboso, Chairman

Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:

Stacey Kawasaki Djou Commission Counsel

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#### 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

GO TRANSPORT LLC c/o EDUARDO B. OLIVERIO 92-1427 Palahia Street Kapolei, HI 96707