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STATE OF HAWAII
DEPARTMENT OF THE ATTORNEY GENERAL
OFFICE OF INFORMATION PRACTICES
426 QUEEN STREET, ROOM 201
HONOLULU, HAWAII 96813-2904

June 2, 1993

Mr. Yukio Naito
Chairperson
Public Utilities Commission
Kekuanaoa Building
465 S. King Street
Honolulu, Hawaii 96813

Attention: Mr. Henry T. Tsuyemura
Administrative Director

Dear Chairperson Naito:

Re: Financial Reports Submitted to the PUC by Public
Utilities and Motor Carriers

This is in reply to a letter dated March 25, 1992 from Mr. Henry T. Tsuyemura to Attorney General Robert A. Marks requesting an advisory opinion concerning the above-referenced matter. In accordance with departmental protocol, Mr. Tsuyemura's letter was forwarded to the Office of Information Practices ("OIP") for a reply.

ISSUE PRESENTED

Whether, under the Uniform Information Practices Act Modified, chapter 92F, Hawaii Revised Statutes ("UIPA"), the Public Utilities Commission ("PUC") must make monthly and annual financial reports filed with the PUC by public utilities and motor carriers available for public inspection and duplication upon request.

BRIEF ANSWER

Except as provided in section 92F-13, Hawaii Revised Statutes, under the UIPA, all government records must be made available for inspection and copying "upon request by any person." Haw. Rev. Stat. § 92F-11(b) (Supp. 1992).

OIP Op. Ltr. No. 93-4

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Additionally, however, under section 92F-12(b)(2), Hawaii Revised Statutes, each agency must disclose "[g]overnment records which, pursuant to federal law or a statute of this State, are expressly authorized to be disclosed to the person requesting access." Included within the scope of this UIPA section are records that are described as "public records" by State statutes other than the UIPA.

Section 271-11, Hawaii Revised Statutes, provides that "the statistics, tables, and figures contained in the annual or other reports of carriers made to the [PUC] required under this chapter shall be preserved as public records in the custody of the [PUC]." Accordingly, we conclude that "[a]ny provision to the contrary notwithstanding," under sections 92F-12(b)(2) and 271-11, Hawaii Revised Statutes, financial reports filed with the PUC by motor carriers must be made available for inspection and duplication during the PUC's regular business hours.

Additionally, while annual and monthly reports filed by regulated public utilities under chapter 269, Hawaii Revised Statutes, contain commercial and financial information, the OIP is informed that the PUC has had a long standing practice of making the financial information described in these reports available for public inspection and copying, and that the PUC's policy in this regard pre-dates the effective date of the UIPA.

Because the Legislature did not intend the UIPA's exceptions to be used by agencies to restrict access to government records that were "public" before the adoption of the UIPA even though they might fit within one of the exceptions in section 92F-13, Hawaii Revised Statutes, we conclude that under the UIPA, monthly and annual financial reports filed with the PUC by regulated public utilities should also be made available for public inspection and copying upon request.

FACTS

Under chapter 271, Hawaii Revised Statutes, the activities of "motor carriers" are regulated by the PUC. Subject to numerous exemptions, the term "motor carrier" means "any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property." Haw. Rev. Stat. § 271-4 (1985).

Section 271-36, Hawaii Revised Statutes, provides that motor carriers must pay to the PUC an annual fee that is equal to one-eighth of one percent of the motor carrier's gross revenues. To assist the PUC in performing its regulatory duties, and to

assist the PUC in confirming the amount of the annual fee owed by each motor carrier, the PUC requires each motor carrier to file an annual report with PUC. Under section 271-25, Hawaii Revised Statutes, the PUC is authorized to compel motor carriers to file annual, periodical, or special reports with the PUC. A copy of the annual report that must be filed with the PUC by Class "A" common property carriers with PUC regulated revenues exceeding \$200,000 is attached as Exhibit "A."

Under chapter 269, Hawaii Revised Statutes, the activities of "public utilities" are also regulated by the PUC. Subject to numerous exemptions and exclusions, the definition of the term "public utility" means:

[E]very person who may own, control, operate, or manage as owner, lessee, trustee, receiver, or otherwise, . . . any plant or equipment, or any part thereof, directly or indirectly for public use, for the transportation of passengers or freight, or the conveyance or transmission of telecommunication messages, or the furnishing of facilities for the transmission of intelligence by electricity by land or water or air within the State . . . or for the production, conveyance, transmission, delivery, or furnishing of light, power, heat, cold, water, gas, or oil, or for the storage or warehousing of goods, or the disposal of sewage.

Haw. Rev. Stat. § 269-1 (1985 & Supp. 1992).

Each public utility must pay to the PUC a fee equal to one-quarter of one percent of the gross income from public utility business. Haw. Rev. Stat. § 269-30 (1985). In order to monitor the manner in which each public utility is operated, to verify historical data used by public utilities to justify a request for a rate increase, and to verify the correct fee owed to the PUC, the PUC requires public utilities to file monthly and annual financial reports on prescribed forms. Under section 269-8, Hawaii Revised Statutes, all public utilities must furnish the PUC with all information the PUC might require concerning matters it is authorized to investigate.

In his letter to Attorney General Robert A. Marks requesting an advisory opinion, Mr. Henry Tsuyemura stated:

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The [PUC] maintains that these are public records and allows other government agencies, such as the state tax office and the internal revenue service, access to these records. Some utilities consider certain information provided on the forms and in annual reports as proprietary information and, therefore, confidential. As such, the [PUC] requests an opinion on this issue.

Letter from Henry Tsuyemura to Attorney General Robert A. Marks at 2 (March 25, 1993).

By letter to the PUC dated April 6, 1993, the OIP sought a clarification from the PUC concerning its past policies concerning the public disclosure of financial reports submitted by motor carriers and public utilities to the PUC. In a letter to the OIP dated April 16, 1993, the PUC clarified that:

It has been the past practice of the commission to make the financial information described in our request available for public inspection and copying upon request. This practice pre-dates the effective date of the UIPA, July 1, 1989.

Letter from Henry Tsuyemura to OIP Staff Attorney Hugh R. Jones at 1 (April 16, 1993).

DISCUSSION

I. INTRODUCTION

The UIPA provides that all government records shall be made available for public inspection and duplication, unless access to those records is closed or restricted by law. Haw. Rev. Stat. § 92F-11(a) (Supp. 1992). More specifically, the UIPA states, "[e]xcept as provided by section 92F-13, each agency upon request by any person shall make government records available for inspection and copying." Haw. Rev. Stat. § 92F-11(b) (Supp. 1992).

Under the UIPA, the term "government record" means "information maintained by an agency in written, auditory, visual, electronic, or other physical form." Haw. Rev. Stat.

§ 92F-3 (Supp. 1992). Because the PUC is an "agency" for purposes of the UIPA,¹ and because the financial reports filed by public utilities and motor carriers constitute "information maintained by an agency in written . . . or other physical form," we conclude that such reports are "government records." Therefore, we conclude that the public's right to inspect and copy these financial reports is governed by the provisions of the UIPA.²

II. RECORDS THAT ARE PUBLIC ANY PROVISION TO THE CONTRARY NOTWITHSTANDING: MOTOR CARRIERS' FINANCIAL REPORTS

Before turning to an examination of whether any of the exceptions in section 92F-13, Hawaii Revised Statutes, permits the PUC to withhold access to annual financial reports filed by public utilities and motor carriers, we must first determine whether these reports must be made available for public inspection and copying under section 92F-12, Hawaii Revised Statutes, "[a]ny provision to the contrary notwithstanding."³

Section 92F-12(b)(2), Hawaii Revised Statutes, provides that each agency must make available for public inspection and copying

¹See section 92F-3, Hawaii Revised Statutes, "agency" means "any unit of government in this State, any county, or any combination of counties; department; institution; board; commission; district; council; bureau; office; governing authority . . . but does not include the nonadministrative functions of the courts of this State." [Emphasis added.]

²See also AT&T Communications of West Virginia v. Public Service Commission of West Virginia, 423 S.E.2d 859 (W.Va. 1992) (as an administrative agency, public disclosure of information possessed by West Virginia Public Service Commission governed by West Virginia Freedom of Information Act).

³In section 92F-12, Hawaii Revised Statutes, the Legislature set forth a list of government records or information contained therein that must be made available for public inspection and copying during regular business hours. The UIPA's legislative history clarifies that "[a]s to these records, the [UIPA's] exceptions for personal privacy and for frustration of legitimate government function are inapplicable . . . [t]his list merely addresses some particular cases by unambiguously requiring disclosure." S. Conf. Comm. Rep. No. 235, 14th Leg., 1988 Reg. Sess., Haw. S.J. 689, 690 (1988); H. Conf. Comm. Rep. No. 112-88, Haw. H.J. 817, 818 (1988).

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"[g]overnment records which, pursuant to federal law or a statute of this State, are expressly authorized to be disclosed to the person requesting access." Included within the scope of this UIPA section are records that are described as "public records" in State statutes other than the UIPA.⁴

Accordingly, it is necessary for the OIP to examine and apply the provisions of section 271-11, Hawaii Revised Statutes, which provides:

§271-11 Copies of schedules, tariffs, contracts, etc., kept as public records; evidence. The copies of schedules and classifications and tariffs of rates, fares, and charges, and all contracts, agreements, and arrangements between motor carriers filed with the public utilities commission as herein provided, and the statistics, tables, and figures contained in the annual or other reports of carriers made to the commission as required under this chapter shall be preserved as public records in the custody of the commission (except any contract, agreement, or arrangement between a contract carrier by motor vehicle and a shipper shall only be made public as provided in section 271-25) and shall be received as prima facie evidence of what they purport to be for the purposes of investigations by the commission and all judicial proceedings; and copies and extracts from any of the schedules, classifications, tariffs, contracts, agreements, arrangements, or reports, made public records as aforesaid, certified by the commission under the commission's seal, shall be received in evidence with like effect as the originals.

Haw. Rev. Stat. § 271-11 (1985) (emphases added).

⁴The commentary to the parallel provision of the Uniform Information Practice Code ("Model Code") drafted by the National Conference of Commissioners on Uniform State Laws, upon which the UIPA was modeled by the Legislature, states that it "provides that information cannot be withheld if its disclosure is pursuant to a federal law or state statute." Model Code § 3-101(a)(5) commentary at 21 (1981).

The legislative history of chapter 271, Hawaii Revised Statutes, states that the above-quoted provision was intended to "provide[] that schedules, tariffs, contracts, etc., filed with the commission and other records of the commission shall be public records except as to an agreement between a contract carrier and a shipper, unless said contract is in violation of this chapter." S. Stand. Comm. Rep. No. 981, 1st Leg., 1961 Reg. Sess., Haw. S.J. 1000, 1001 (1961).

Based upon the clearly expressed provisions of section 271-11, Hawaii Revised Statutes, it is our opinion that "[a]ny provision to the contrary notwithstanding" under section 92F-12(b)(2), Hawaii Revised Statutes, annual financial reports filed with the PUC by motor carriers under chapter 271, Hawaii Revised Statutes, must be made available for public inspection, upon request, during the PUC's regular business hours.⁵

Because our research does not disclose any provision of chapter 269, Hawaii Revised Statutes, that expressly requires the public availability of financial reports submitted to the PUC by public utilities, we now turn to a consideration of whether such reports are protected by any of the UIPA's exceptions in section 92F-13, Hawaii Revised Statutes.

III. FINANCIAL REPORTS OF PUBLIC UTILITIES UNDER CHAPTER 269, HAWAII REVISED STATUTES

Unlike chapter 271, Hawaii Revised Statutes, chapter 269, Hawaii Revised Statutes, does not contain an express provision which requires the public availability of monthly and annual financial reports filed with the PUC by regulated utilities. Thus, we must determine whether any of the exceptions in section 92F-13, Hawaii Revised Statutes, would authorize the PUC to withhold access to these financial reports.

Under section 92F-13(3), Hawaii Revised Statutes, an agency is not required by the UIPA to disclose "[g]overnment records

⁵In N.Y. Telephone v. Public Service Com'n, etc., 451 N.Y.S.2d 679 (Ct. App. N.Y. 1982), the court held that a New York statute that provided that all proceedings and records of the New York Public Service Commission shall be public did not foreclose the commission from restricting access to its proceedings when necessary to protect confidential trade information. In light of the unambiguous provisions of section 92F-12(b)(2), Hawaii Revised Statutes, we do not find the court's reasoning in that case persuasive given the facts present in this case.

which must remain confidential in order to avoid the frustration of a legitimate government function." In Senate Standing Committee Report No. 2580, dated March 31, 1988, the Legislature provided examples of records that may be withheld under this exception:

(b) Frustration of legitimate government function. The following are examples of records which need not be disclosed, if doing so would result in the frustration of a legitimate government function.

. . . .

(7) Trade secrets or confidential commercial and financial information;

S. Stand. Comm. Rep. No. 2580, 14th Leg., 1988 Reg. Sess., Haw. S.J. 1093, 1095 (1988).

In OIP Opinion Letter No. 90-3 (Jan. 18, 1990), we found that revenue audit reports concerning concessionaires at State airports did not include "confidential" commercial and financial information. Attached to that opinion letter were sample financial reports that were found to be protected under Exemption 4 of the federal Freedom of Information Act, 5 U.S.C. § 552(b)(4) (1988) ("FOIA")⁶ in the case of National Parks and Conservation Ass'n v. Kleppe, 547 F.2d 672 (D.C. Cir. 1976) ("National Parks II").

While portions of the monthly and annual financial reports submitted by public utilities contain information that is very similar to that found to be protected by the court in National Parks II, the OIP is persuaded in this case that protection of such financial reports under section 92F-13(3), Hawaii Revised Statutes, would be contrary to the Legislature's intent. Specifically, in its report, the conference committee assigned to work out differences between the House and Senate versions of the bill which led to the adoption of the UIPA (H.B. No. 2002), provided:

⁶FOIA's Exemption 4 allows federal agencies to withhold "commercial and financial information" which is "confidential."

5. Exceptions to Access. The bill will provide in section -13 a clear structure for viewing the exceptions to the general rule of access. The five categories of exceptions relate to personal privacy, frustration of government practice, matters in litigation, records subject to other laws and an exemption relating to the Legislature. The category relating to personal privacy is essentially the same in both the House Draft and the Senate Draft. The second category, concerning frustration of legitimate government functions, was clarified by examples on pages 4 and 5 of Senate Standing Committee Report No. 2580. The last three are self-explanatory.

The records which will not be required to be disclosed under section -13 are records which are currently unavailable. In is not the intent of the Legislature that this section be used to close currently available records, even though these records might fit within one of the categories in this section.

S. Conf. Comm. Rep. No. 235, 14th Leg., 1988 Reg. Sess., Haw. S.J. 689, 690 (1988); H. R. Conf. Comm. Rep. No. 112-88, Haw. H.J. 817, 818 (1988) (emphasis added).

The Hawaii Supreme Court has declared that "[w]hen construing the meaning of a statute, our foremost obligation 'is to ascertain and give effect to the intention of the legislature.'" In re Hawaiian Telephone Co., 61 Haw. 572, 577 (1980); Kaapu v. Aloha Tower Dev. Corp., ___ Haw. ___, No. 15775 (Feb. 25, 1993). If the statutory language is ambiguous, or if doubt exists as to its meaning, "[c]ourts may take legislative history into consideration in construing a statute." Life of the Land v. City and County of Honolulu, 61 Haw. 390, 447 (1980).

Based upon the PUC's written representation to the OIP that "[i]t has been the past practice of the commission to make the financial information described in our request available for public inspection and copying upon request," and because this PUC practice pre-dated the adoption of the UIPA, it is our opinion

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that non-disclosure of monthly or annual financial reports filed with the PUC by regulated utilities under section 92F-13(3), Hawaii Revised Statutes, would be contrary to the expressed legislative intent behind section 92F-13, Hawaii Revised Statutes.

Accordingly, it is our opinion that in accordance with section 92F-11(b), Hawaii Revised Statutes, monthly and annual financial reports filed with the PUC by regulated utilities must be made available for inspection and copying "upon request by any person."

CONCLUSION

Under section 92F-12(b)(2), Hawaii Revised Statutes, each agency must disclose government records which pursuant to State or federal law, are authorized to be disclosed to the person requesting access. Section 271-11, Hawaii Revised Statutes, provides that "the statistics, tables, and figures contained in the annual or other reports of [motor] carriers made to the commission as required under this chapter shall be preserved as public records in the custody of the commission." As such, we conclude that financial reports filed with the PUC by motor carriers under chapter 271, Hawaii Revised Statutes, must be made available for public inspection and copying "notwithstanding any provision to the contrary."

With regard to monthly and annual financial reports filed with the PUC by regulated utilities under chapter 269, Hawaii Revised Statutes, it is our opinion that such reports are not protected from public disclosure by any of the UIPA's exceptions in section 92F-13, Hawaii Revised Statutes.

In adopting the UIPA, it was not the Legislature's intention that the UIPA's exceptions restrict access to records that were public before the adoption of the UIPA, even though such records might fit within one of the exceptions. Because the PUC made financial reports by regulated utilities available for public inspection and duplication before the effective date of the UIPA, July 1, 1989, it is our opinion that such reports are also government records that are "public" under the UIPA.

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Please contact me at 586-1404 if you should have any questions concerning this opinion letter.

Very truly yours,



Hugh R. Jones
Staff Attorney

APPROVED:



Kathleen A. Callaghan
Director

HRJ:sc

Attachment

c: Rod Kimura
Deputy Attorney General

TO THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII
ANNUAL REPORT OF
CLASS "A" COMMON PROPERTY CARRIERS
(PUC REGULATED REVENUES \$200,000 AND OVER)

STATE EXACT NAME OF CARRIER

PUC NUMBER

FOR THE YEAR ENDED DECEMBER 31, 19____

NOTICE: An annual report is to be filed and is due no later than April 30 to cover the preceding calendar year's operations.

Under Section 271-27(i), Hawaii Revised Statutes, a civil penalty shall be imposed for the delinquent filing of this financial report:

- (1) A sum of one-sixteenth of one percent of the motor carrier's gross revenue from the preceding calendar year shall be assessed, if the failure is not more than one month.
- (2) An additional one-sixteenth of one percent of the motor carrier's gross revenues from the preceding calendar year shall be assessed for each additional month or fraction thereof.
- (3) In no event shall the total penalty be less than \$50.

APPROVED BY THE PUBLIC UTILITIES COMMISSION

HAW-PUC Form 92-011
Effective 1/1/93



**EXTENSION REQUEST TO JULY 31, 1993
TO FILE 1992 PUC ANNUAL FINANCIAL REPORT
FOR CLASS "A" COMMON CARRIERS**

****WE WILL NOT ALLOW ANY EXTENSIONS FOR ANNUAL FINANCIAL REPORTS ENDING DECEMBER 31, 1993****

Notice

1. This extension request must be postmarked on or before April 30, 1993. See paragraph 7 of Instruction Sheet.
2. Payment for motor carrier fee must be attached. See paragraph 7 of Instruction Sheet.
3. We will not grant additional extensions beyond July 31, 1993. Show cause hearing for revocation of your certificate shall be initiated if your annual financial report is not received by said date.

Part A:

Carrier Name _____

PUC No. _____

Address _____

Telephone No. _____

Reason for extension _____

Signature _____ **Date** _____

Title _____
(Owner, Partner, Officer, Authorized Agent)

Part B - Motor Carrier Fee

- | | | | |
|----|--|----|-------|
| 1. | PUC Regulated Revenues as of December 31, 1992 | \$ | _____ |
| 2. | Fee = .00125 x Line 1 (Minimum fee \$10) | \$ | _____ |
| 3. | Less: Credit for Overpayment of 1992 Fee | \$ | _____ |
| 4. | Balance Due (Difference Line 2 minus Line 3) | \$ | _____ |

STATE OF HAWAII
BILL FOR COLLECTION

GENERAL FUND

DATE: _____

PUC No. _____

NAME _____

ADDRESS _____

**1993 MOTOR CARRIER GROSS REVENUE FEE
FOR CLASS A COMMON CARRIERS**

- | | | |
|----|---|----------------------|
| 1. | Total PUC Regulated Revenues for 1992 Calendar Year
(Passenger: Line 8, Column (a) of Exhibit C-1)
(Property: Line 12, Column (a) of Exhibit C-1) | \$ _____
\$ _____ |
| 2. | Fee = .00125 x Line 1 (\$10 minimum fee) | \$ _____ |
| 3. | Less: a. Credit from Overpayment of 1992 Motor Carrier Fee
b. Payment with Extension Request | \$ _____
\$ _____ |
| 4. | Balance Due (Difference Line 2 minus Line 3a and/or Line 3b) | \$ _____ |

NOTE: Amount on Line 4 due on or before APRIL 30, 1993.

Your canceled check is your receipt. Failure to pay the amount on or before the above date will result in penalty and interest pursuant to the Public Utilities Commission Hawaii Administrative Rules, Title 6, Chapter 62, Subchapter 4 (b) and (c) as follows:

1. A motor carrier failing to pay the gross revenue fee on or before April 30 may be assessed by the commission, in addition to the fee, a penalty of \$100 and, in case of continuing nonpayment, up to \$50 for each additional day during which the nonpayment continues.
2. Fees not paid within fifteen days after April 30 may be assessed interest at a rate of ten percent per annum. Failure to pay the fee, penalties, and interest may result in legal action to enforce payment.

Please make your check payable to Hawaii Public Utilities Commission and submit with your Annual Financial Report.

NOTE: Indicate your PUC Number on the check.

ORGANIZATION AND CONTROL OF CARRIER

1. State full and exact name and address of carrier making this report.

Carrier: _____ PUC No. _____
 Address: _____ Phone: _____
 City: _____ Zip: _____

2. Insert an "X" if new address within the last 12 months ()

Business Name (dba): _____
 Business Address: _____ Phone: _____
 City: _____ Zip: _____

3. Date of Incorporation: _____
 Incorporation in the State of: _____

4. Date first started business: _____

5. State the various kinds of business, other than common carriage, in which the carrier was engaged at any time during the year:

6. Island(s) in which carrier service is offered: _____

7. Names of Directors:

NAME	ADDRESS	Date Term Expires	No. of Shs	
			Owned	%

8. Names of Officers:

NAME	TITLE	Date Appointed	No. of Shs	
			Owned	%

9. List companies controlled by carrier:

10. List persons or companies controlling carrier; also state percent owned:

11. Are you a member of a tariff bureau?
 (a) If yes, name of tariff bureau: _____
 (b) If no, have you filed a current tariff schedule with this office?: _____
12. Provide the following information regarding your insurance:
 (a) Personal Injury Insurance
 Policy Number: _____
 Insurance Carrier: _____
 Insurance Agent: _____ Telephone No.: _____
 Expiration Date: _____
 (b) Property Damage
 Policy Number: _____
 Insurance Carrier: _____
 Insurance Agent: _____ Telephone No.: _____
 Expiration Date: _____
13. Location of carrier's records: _____
14. Name of outside accountant (PA or CPA): _____
 Address: _____ Phone: _____
 City: _____ Zip: _____
15. Preparer of this report:
 Name: _____ Title: _____
 Address: _____ Phone: _____
 City: _____ Zip: _____
16. Please check (✓) whether accounting books are kept on a calendar year () or fiscal year () basis. If fiscal year basis, please state the period: _____. Note that this annual financial report must be filed on a calendar year basis.

VERIFICATION

I, _____, certify (or declare) that I am duly authorized to
 (Print of Type)
 file this statement; that I have knowledge to the matters contained herein; that the PUC regulated revenues reported herein reflect rates under the lawful tariff(s) filed with this Commission; and that the report set forth in this annual report is complete, true and correct to the best of my knowledge, information and belief.

Signature _____
 Title _____
 Carrier _____

Date: _____

Carrier: _____
PUC No.: _____

EXHIBIT B

BALANCE SHEET
As of December 31, 19____

Account No.	ASSETS	Current Year	Prior Year
	Current Assets		
VARIOUS	Cash		
108	Notes Receivable		
110	Accounts Receivable		
110-A	Less Allowance for Uncollectible		
118	Materials & Supplies		
105/119	Other Current Assets (Ex. B-2)		
	Total Current Assets		
	Fixed Assets		
VARIOUS	PUC Fixed Assets (Ex. B-1)		
VARIOUS	Less Accumulated Depreciation (Ex. B-1)		
240	Non-PUC Fixed Assets		
240-D	Less Accumulated Depreciation		
250/250-D	Intangible Fixed Assets - Net		
	Total Fixed Assets		
VARIOUS	Other Assets (Ex. B-2)		
	TOTAL ASSETS		
Account No.	LIABILITIES & EQUITY	Current Year	Prior Year
	Current Liabilities		
501	Notes Payable		
505	Accounts Payable		
511/512	Payroll Taxes		
513/514	Income and Other Taxes Payable		
VARIOUS	Other Accrued and Current Liabilities (Ex. B-3)		
	Total Current Liabilities		
600/620	Long Term Debt (Ex. B-3)		
700/710	Deferred Credits and Other Reserves (Ex. B-3)		
	Total Liabilities & Other Credits		
	Equity		
	Corporation:		
800	Capital Stock		
805	Paid in Capital		
830	Retained Earnings (Ex. B-4)		
835	Treasury Stock		
VARIOUS	Sole Proprietorship (Ex. B-4)		
VARIOUS	Partnership (Ex. B-4)		
	Total Equity		
	TOTAL LIABILITIES & EQUITY		

Carrier: _____
 PUC No.: _____

EXHIBIT B-

BALANCE SHEET SCHEDULES

PUC FIXED ASSETS

DESCRIPTION	Total Cost at Start of Year	Additions	Retirals	Adjustments Debit/Credit	Balance at Close of Year
Land					
Buildings & Improvements					
Revenue Equipment					
Service Cars & Equipment					
Shop & Garage Equipment					
Office Furniture & Equipment					
Other Fixed Assets					
TOTAL (To Exhibit B)					

PUC FIXED ASSETS - ALLOWANCE FOR DEPRECIATION

DESCRIPTION	Total at Beginning of Year	Depreciation for Year	Items Retired	Adjustments Debit/Credit	Balance at Close of Year
Buildings & Improvements					
Revenue Equipment					
Service Cars & Equipment					
Shop & Garage Equipment					
Office Furniture & Equipment					
Other Fixed Assets					
TOTAL (To Exhibit B)					

NOTE: Motor carrier shall maintain and employ the straight-line method of computing depreciation. The service lives of the equipment, salvage, type, class of service and all other pertinent factors shall be in accordance with the Internal Revenue Code, Sections 167-168.

Carrier: _____
PUC No.: _____

EXHIBIT B-2

BALANCE SHEET SCHEDULES

OTHER CURRENT ASSETS

Account No.	DESCRIPTION	Balance at Close of Year
105	Marketable Securities	
119	Other Current Assets (Specify):	
TOTAL (To Exhibit B)		

OTHER ASSETS

Account No.	DESCRIPTION	Balance at Close of Year
300	Investments	
305	Advances	
310	Prepayments	
320	Other Assets (Specify):	
TOTAL (To Exhibit B)		

Carrier: _____
 PUC No.: _____

EXHIBIT B

BALANCE SHEET SCHEDULES

OTHER ACCRUED AND CURRENT LIABILITIES

Account No.	DESCRIPTION	Balance at Close of Year
507	Salaries and Wages Payable	
509	COD's Unremitted	
518/520	Other Accrued and Current Liabilities (Specify):	
TOTAL (To Exhibit B)		

ACCOUNT NO. 600 & 620 - EQUIPMENT OBLIGATIONS & OTHER LONG TERM DEBT

DESCRIPTION	Date of Note	Maturity Date	Original Amount	Balance as of 12/31	Annual Payment	
					Principal	Interest
TOTAL (To Exhibit B)						

ACCOUNT NO. 700 & 710 - DEFERRED CREDITS AND OTHER RESERVES

DESCRIPTION	Balance at Close of Year
TOTAL (To Exhibit B)	

Carrier: _____
 PUC No.: _____

BALANCE SHEET SCHEDULES

ACCOUNT NO. 830 - RETAINED EARNINGS

		CURRENT YEAR
	Balance at Start of Year	
Add:	Net Income (Loss) From Exhibit C	
	Other Credits:	
	1. _____	
	2. _____	
	3. _____	
Deduct:	Dividends Declared	
	Other Debits:	
	1. _____	
	2. _____	
	3. _____	
BALANCE AT CLOSE OF YEAR (To Exhibit B)		

SOLE PROPRIETORSHIP AND PARTNERSHIP EQUITY

	CURRENT YEAR	PRIOR YEAR
Balance at Start of Year		
Additional Investments during Year		
Withdrawals		
Adjustments during Year		
Profit (Loss) for the Year		
BALANCE AT CLOSE OF YEAR (To Exhibit B)		

1. State total number of annual hours devoted by proprietor or partners to carrier's business. _____
2. State amounts designated as salaries of partners and charged to operating expenses. \$ _____

Carrier: _____
PUC No. _____
Island: _____

EXHIBIT C

INCOME STATEMENT
For the Year Ended December 31, 19____

Account No.	DESCRIPTION	PUC	NON - PUC	TOTAL
	REVENUES:			
VARIOUS	Operating Revenues			
	Total Operating Revenues			
	EXPENSES:			
1100	Salaries & Wages			
1200	Payroll Related Items			
1300	Equipment Maintenance & Garage			
1400	Transportation			
1500	Station or Terminal			
1600	Traffic			
1700	Insurance & Safety			
1800	Administrative & General			
1900	Depreciation & Amortization			
2000	Operating Taxes, License & Fees			
2100	Other Non - PUC Expenses			
	Total Operating Expenses			
	NET OPERATING INCOME			
	OPERATING RATIO*	%	%	%
	OTHER INCOME:			
2210	Interest & Dividends			
2220	Other Income			
	Total Other Income			
	OTHER DEDUCTIONS:			
2310	Interest Expense			
2320	Other Deductions			
	Total Other Deductions			
	NET INCOME BEFORE INCOME TAXES			
2410	Federal Income Tax			
2420/2430	State Income Tax			
	Total Income Taxes			
	NET INCOME			

* Total Operating Expenses divided by Total Operating Revenues = Operating Ratio

Carrier: _____
 PUC No. _____
 Island: _____

EXHIBIT C-1

OPERATING REVENUES - PROPERTY CARRIERS

Line No.	Account No.	REVENUE CLASSIFICATION	(a) PUC	(b) NON - PUC	(c) TOTAL
FREIGHT TRANSPORTATION REVENUES					
1	1010	General Commodities			
2	1011	Specific Commodities			
3	1020	Break-Bulk & Delivery			
4	1030	Household Goods - PUC			
5	1031	Household Goods - Military Contracts			
6	1032	Household Goods - Interstate			
7	1040	Dump Truck *			
8		Total Freight Transportation Revenues			
OTHER TRANSPORTATION OPERATING REVENUES					
9	1050	Public Warehousing (Storage in Transit)			
10	1060	Other PUC Revenues (Specify):			
11		Total Other Transportation Operating Revenues			
12		TOTAL PUC OPERATING REVENUES (To Exhibit C)			
1070 NON - PUC REVENUES					
13		Equipment Rentals - Trucks			
14		Equipment Rentals - Others			
15		Public Warehousing			
16		Contracting			
17		Material Sales			
18		Miscellaneous (Specify)			
19		TOTAL NON - PUC REVENUES (To Exhibit C)			

	PERFORM WORK	FARM-IN	FARM-OUT	TOTAL
* DUMP TRUCK				

Carrier: _____
 PUC No.: _____
 Island: _____

OPERATING EXPENSES - PROPERTY CARRIERS

Account No.	DESCRIPTION	PUC	NON-PUC	TOTAL
SALARIES AND WAGES:				
1110	Administrative			
1120	Supervisory			
1130	Drivers - Gen., Spec. Comm. & Break Bulk			
1131	Drivers - Dump Truck			
1132	Drivers - Household			
1140	Help., Term. & Whse-Gen., Spec. Comm. & Break Bulk			
1141	Help., Term. & Whse-Household			
1142	Help., Term. & Whse-Warehouse			
1150	Dispatchers			
1160	Repairs, Service & Maintenance			
1170	Office and Clerical			
1180	Salespersons			
1190	Others (Specify):			
	Total Salaries and Wages			
PAYROLL RELATED ITEMS:				
1210	Worker's Compensation			
1220	FICA			
1230	SUTA			
1240	FUTA			
1250	TDI			
1260	Medical Insurance			
1261	Dental Insurance			
1262	Drug & Vision Insurance			
1263	Group Life Insurance			
1264	Other Employee Expenses			
1265	Meals, Travel & Lodging			
1270	Pensions			
1280	Bonuses and Incentive Compensations			
1290	Others (Specify):			
	Total Payroll Related Items			
NUMBER OF EMPLOYEES		At Year End	Total Number During Year	
Administrative				
Supervisory				
Drivers				
Helpers, Terminal and Warehouse				
Dispatchers				
Repairs, Service and Maintenance				
Office and Clerical				
Salespersons				
Others (Specify):				
Total Number of Employees				

Carrier: _____
 PUC No.: _____
 Island: _____

EXHIBIT C-3

OPERATING EXPENSES - PROPERTY CARRIERS

Account No.	DESCRIPTION	PUC	NON-PUC	TOTAL
EQUIPMENT MAINTENANCE				
1310	Shop and Garage			
1320	Repair Parts			
1321	Repairs - Outside Services			
1322	Shop Supplies			
1330	Tires & Tubes			
1390	Other Equipment Maintenance Expenses			
	Total Equipment Maintenance Expense			
TRANSPORTATION				
1410	Fuel - Diesel			
1411	Fuel - Gasoline			
1412	Oil & Lubricants			
1420	Leased or Rented Equipment			
1440	Subcontract Transportation			
1450	Packing Materials - Household Goods			
1451	Transportation Supplies			
1452	Ocean Freight			
1453	Destination Agents (destination & origin)			
1490	Other Transportation Expenses			
	Total Transportation Expense			
STATION or TERMINAL				
1510	Terminal Rent			
1520	Commission Agents			
1590	Other Station or Terminal Expenses			
	Total Station or Terminal Expense			
TRAFFIC				
1610	Commissions			
1620	Tariffs & Schedules			
1630	Advertising			
1690	Other Traffic Expenses			
	Total Traffic Expense			

Carrier: _____
PUC No.: _____
Island: _____

EXHIBIT C-4

OPERATING EXPENSES - PROPERTY CARRIERS

Account No.	DESCRIPTION	PUC	NON-PUC	TOTAL
INSURANCE and SAFETY				
1710	Public Liability & Property Damage			
1720	Cargo Loss & Damage			
1730	Fire, Theft and Collision			
1740	Carrier Paid Claims			
1790	Other Insurance & Safety Expenses			
	Total Insurance and Safety Expense			
ADMINISTRATIVE and GENERAL				
1810	Office Rent			
1820	General Office Expenses			
1830	Outside Accounting Expense			
1831	Legal Expenses			
1840	Utilities			
1850	Bad Debts Expense			
1860	Consulting Services			
1870	Entertainment & Promotion			
1871	Dues & Subscription			
1872	Administrative Overhead Allocation			
1890	Other Administrative & General Expenses			
	Total Administrative and General Expense			
DEPRECIATION EXPENSES				
1910	Building & Improvements			
1920	Revenue Equipment			
1930	Service Cars & Equipment			
1940	Shop & Garage Equipment			
1950	Office Furniture & Equipment			
1960	Other Fixed Assets			
1970	Non-PUC Fixed Assets			
1980	Amortization of Intangibles			
	Total Depreciation Expense			
OPERATING TAXES, LICENSES and FEES				
2010	Vehicle License and Registration			
2011	Federal Highway Use Tax			
2020	Real Property Tax			
2030	PUC Motor Carrier Fee			
2040	Airport Fee			
2050	Public Service Company Tax			
2070	General Excise Tax			
2090	Other Taxes, Licenses and Fees			
	Total Operating Taxes, Licenses and Fees			

