

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
BIKE IT MAUI NO KA OI, LLC)
For Amendment of Motor Carrier)
Certificate.)
_____)

DOCKET NO. 02-0126

RECEIVED
2002 JUL 25 P 4:08
DIV. OF CONSUMER ADVOCACY
DEPT. OF COMMERCE AND
CONSUMER AFFAIRS
STATE OF HAWAII

DECISION AND ORDER NO. 19486

Filed July 25, 2002
At 10:30 o'clock A.M.

Karen Higashi
Chief Clerk of the Commission

ATTEST: A True Copy
KAREN HIGASHI
Chief Clerk, Public Utilities
Commission, State of Hawaii.
K. Higashi

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of))	
BIKE IT MAUI NO KA OI, LLC)	Docket No. 02-0126
)	
For Amendment of Motor Carrier)	Decision and Order No. 19486
Certificate.)	
_____)	

DECISION AND ORDER

I.

BIKE IT MAUI NO KA OI, LLC (Applicant) is a common carrier of passengers by motor vehicle over irregular routes on the island of Maui in the 1-to-7 passenger classification, limited to providing transportation services in conjunction with its bike tours, and further limited to providing transportation services in the areas of West, South, Central, and Upcountry Maui. By an application filed on May 13, 2002, Applicant seeks commission approval to amend its authority under certificate of public convenience and necessity number 4852-C (Certificate No. 4852-C) by (1) dropping the 1-to-7 passenger classification and (2) adding the 8-to-25 passenger classification.

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.

Based upon our review of the record, we find that Applicant is fit, willing, and able to properly perform the proposed service, and to conform to Hawaii Revised Statutes chapter 271 and the requirements and rules of the commission. We also find that the proposed service is required by the present and future public convenience and necessity. Accordingly, we conclude that Applicant's request for an amendment of its authority should be granted.

Furthermore, pursuant to HRS § 271-19, a certificate of public convenience and necessity may be terminated upon application of the holder. Thus, the commission finds good cause to grant Applicant's request to terminate its authority in the 1-to-7 passenger classification.

III.

THE COMMISSION ORDERS:

1. Applicant is authorized to operate as a common carrier of passengers by motor vehicle over irregular routes on the island of Maui in the 8-to-25 passenger classification, limited to providing transportation services in conjunction with its bike tours, and further limited to providing transportation services in the areas of West, South, Central, and Upcountry Maui. Applicant's authority in the 1-to-7 passenger classification shall

terminate upon written notification from the commission that all requirements for the amended operating authority have been met.

2. Applicant shall surrender Certificate No. 4852-C, and an amended certificate reflecting the operating authority granted by this decision and order shall be issued.


3. Applicant shall comply with all of the commission's requirements for common carriers by motor vehicle including, but not limited to, filing a lawful tariff, filing the appropriate insurance documents, registering and marking the appropriate motor vehicles, and complying with the safety requirements of the Motor Vehicle Safety Office, Department of Transportation, State of Hawaii.

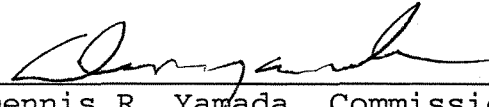
4. Applicant shall comply with the foregoing requirements within 120 days after service of this decision and order. Failure to comply within the time specified constitutes cause for this commission to void this decision and order.

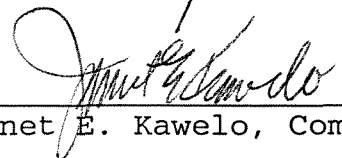
5. Applicant shall not commence operations under this decision and order until it has received written confirmation from the commission that all requirements have been met.

DONE at Honolulu, Hawaii this 25th day of July, 2002.

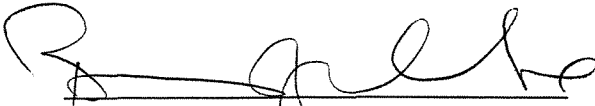
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Wayne H. Kimura, Chairman

By 
Dennis R. Yamada, Commissioner

By 
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:


Benedyne S. Stone
Commission Counsel


02-0126.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 19486 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
P. O. Box 541
Honolulu, HI 96809

BIKE IT MAUI NO KA OI, LLC
c/o RALPH JOHNSON
1168 Lower Kimo Drive
Kula, HI 96790



Catherine Sakato

DATED: July 25, 2002