

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
)
 KUK JIN KIM, dba)
 MAUI ALOHA GOLF & TOURS CO.)
)
 To Sell, Lease, Assign, Mortgage or)
 Otherwise Dispose of, or Encumber)
 The Whole or Any Part of its)
 Property, Certificate, or Permit.)
 _____)

DOCKET NO. 00-0357

DIV. OF CONSUMER AFFAIRS
DEPT. OF COMMERCE & INDUSTRY
CONSUMER PROTECTION
2002 SEP 13 2002

2002 SEP 13 P 3:19

RECEIVED

DECISION AND ORDER NO. 19656

Filed Sept. 13, 2002
At 8:00 o'clock A.M.

Karen Higashi
Chief Clerk of the Commission

ATTEST: A True Copy
LEATRICE G. ASAHI
Clerk, Public Utilities
Commission, State of Hawaii.
Leatrice G. Asahi

Division of Consumer Advocacy, Department of Commerce and Consumer Affairs (Consumer Advocate). By a statement filed on September 29, 2000, the Consumer Advocate indicated that it would not participate in this proceeding.

On November 20, 2000, motions to intervene were filed by Star Maui Limousine, Inc., Wailea Limousine, Inc., and Armijo, Inc., dba Kapalua Executive Transportation & Executive Shuttle (collectively, Movants). The Movants' motions to intervene were denied by the commission in Order No. 18370, filed on February 9, 2001.¹

A Motion for Reconsideration of Order No. 18370 was filed by Movants on February 20, 2001, and denied by the commission in Order No. 18425.²

II.

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. 4821-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.

¹Applicant filed a timely Memorandum in Opposition to the Motions to Intervene on November 27, 2000.

²Applicant filed a timely Memorandum in Opposition to the Motion for Reconsideration on February 21, 2001.

III.

THE COMMISSION ORDERS:

1. Transferor's application to transfer Certificate No. 4821-C to Transferee is approved.

2. Transferee 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, paying a fee of \$20 for motor carrier gross revenues, registering and marking the appropriate vehicles, and complying with the safety requirements of the Motor Vehicle Safety Office, Department of Transportation, State of Hawaii.

3. Transferor shall surrender Certificate No. 4821-C, and an amended certificate reflecting the transfer authorized by this decision and order shall be issued to Transferee.

4. Transferor shall file with the commission its annual financial report for the period of operation from January 1, 2002, to the effective date of this decision and order, and shall pay the associated motor carrier gross revenue fee.

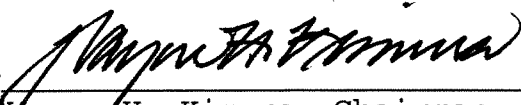
5. Transferor and Transferee shall comply with the requirements set forth in this decision and order within 120 days after service of this decision and order. Failure to comply within the time specified constitutes cause for this commission to void this decision and order.

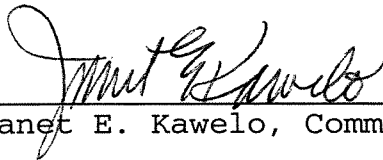
6. Transferee shall not commence operations under this decision and order until it has received written

confirmation from the commission that all requirements have been met.

DONE at Honolulu, Hawaii this 13th day of September, 2002.

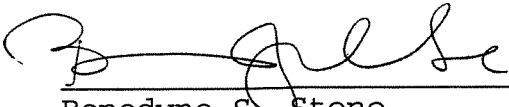
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Wayne H. Kimura, Chairman

By 
Janet E. Kawelo, Commissioner

By (Recused)
Gregg J. Kinkley, Commissioner

APPROVED AS TO FORM:


Benedyne S. Stone
Commission Counsel

00-0357.ah


CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 19656 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

KUK JIN KIM, dba
MAUI ALOHA GOLF & TOURS CO.
215A Momi Lane
Wailuku, HI 96793

LAW OFFICES OF LANCE CASTROVERDE
LANCE CASTROVERDE, ESQ.
1111 Bishop Street, Suite 515
Honolulu, HI 96813



Catherine Sakato

DATED: September 13, 2002