

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
)
NEIDE SAWA OMURA, dba)
MAGIC MAUI TOURS)
)
To Sell, Lease, Assign, Mortgage or)
Otherwise Dispose of, or Encumber)
The Whole or Any Part of Its)
Property, Certificate, or Permit.)
_____)

DOCKET NO. 02-0164

RECEIVED
2002 SEP 19 P 4:34
DIV. OF CONSUMER AFFAIRS
DEPT. OF COMMERCE & INDUSTRY
CONSUMER AFFAIRS
STATE OF HAWAII

DECISION AND ORDER NO. 19664

Filed Sept 19, 2002
At 1 o'clock P. .M.

Kuo H. Lee
for Chief Clerk of the Commission

ATTEST: A True Copy
CATHERINE SAKATO
Clerk
Public Utilities Commission
State of Hawaii

C. Sakato

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Docket No. 02-0164
Decision and Order No.19664

DECISION AND ORDER

I.

By an application filed on June 24, 2002, and amended on July 3, 2002, NEIDE SAWA OMURA, dba MAGIC MAUI TOURS (Transferor), seeks commission approval to transfer certificate of public convenience and necessity number 4801-C (Certificate No. 4801-C) to MAGIC MAUI, INC. (Transferee) pursuant to Hawaii Revised Statutes (HRS) § 271-18. Under Certificate No. 4801-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 Maui in the 8-to-25 passenger classification.

Transferor served copies of the application on the Hawaii Transportation Association, which consists of carriers that may be affected by Applicant's proposed service Association, and on the Division of Consumer Advocacy, Department of Commerce and Consumer Affairs (Consumer Advocate). By a statement filed on June 26, 2002, the Consumer Advocate indicated that it will not participate in this proceeding. No persons moved to intervene in this docket.

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. 4801-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.

THE COMMISSION ORDERS:

1. Transferor's application to transfer Certificate No. 4801-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 motor 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. 4801-C, and an amended certificate reflecting the transfer authorized by this decision and order shall be issued to Transferee.

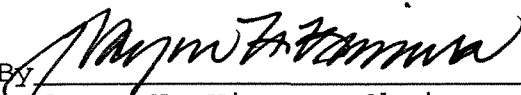
4. Transferor shall file with the commission her annual financial report for the period of operation from January 1, 2002, to the effective date of this decision and order, and shall pay the associated motor carrier gross revenue fee.

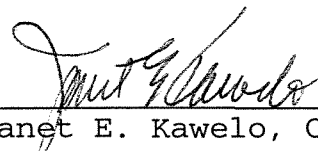
5. Transferor and Transferee shall comply with the requirements set forth in this decision and order within 120 days after service of this decision and order. Failure to comply within the time specified constitutes cause for this commission to void this decision and order.

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 19th day of September, 2002.

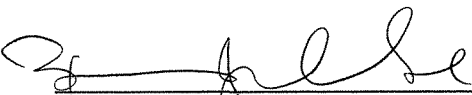
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

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

02-0164.sl


CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 19664 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

NEIDE SAWA OMURA,
dba MAGIC MAUI TOURS
P. O. Box 10715
Lahaina, HI 96761-0715

SANAE KAMIYA
VICE PRESIDENT
MAGIC MAUI, INC.
1819 S. Kihei Road, #D101
Kihei, HI 96753



Catherine Sakato

DATED: September 19, 2002