

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

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| In the Matter of the Application of) |) | |
| TARA GOLDEN, dba |) | Docket No. 02-0232 |
| WET PAINT STUDIO TOURS |) | |
| |) | Decision and Order No. 19686 |
| For a Temporary Motor Carrier |) | |
| Certificate. |) | |
| _____ |) | |

DECISION AND ORDER

I.

By an application filed on August 29, 2002, TARA GOLDEN, dba WET PAINT STUDIO TOURS (Applicant), requests temporary authority to operate as a common carrier of passengers by motor vehicle over irregular routes on the island of Kauai in the 1-to-7 passenger classification. Applicant proposes to conduct a unique tour that will bring art-loving visitors together with the artists of Kauai. The application is made pursuant to Hawaii Revised Statutes (HRS) § 271-16, as amended (HRS § 271-16).

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.

For a grant of temporary operating authority pursuant to HRS § 271-16, an applicant must satisfy two conditions. First, an applicant must establish that there is "an immediate and urgent need" for the proposed service. Second, an applicant must also demonstrate "[an] absence of carrier service capable of meeting the need between points or in the territory where the temporary service will be instituted." See In re Robert's Tours & Transportation, Inc., Decision and Order No. 15274, Docket No. 96-0437 (December 23, 1996). In addition, pursuant to HRS § 271-16, the commission may, at its discretion, grant temporary authority for service by a common or contract carrier, without hearings or other proceedings.

Upon review, we find that Applicant meets the criteria for temporary authority set forth in HRS § 271-16. First, the proposed service is immediately and urgently needed, as (1) Applicant represents that she has tours scheduled to start on November 1, 2002, with many artists and clients awaiting the commencement of these tours, and (2) artists on the island of Kauai are in need of an additional venue to show their works (See letter of support from Kathy Ostman-Magnusen, President-Garden Isle Arts Council). Additionally, the commission has no knowledge of any other carrier on the island of Kauai that provides a tour, or intends to provide a tour, similar to the one proposed by Applicant. We, thus, conclude that Applicant's request for temporary operating authority should be granted without hearings or other proceedings in this docket.

Pursuant to HRS § 271-16, the commission may grant temporary authority to an applicant for no more than 120 days. We conclude, therefore, that since Applicant satisfied the requirements for a grant of temporary authority pursuant to HRS § 271-16, it should be granted temporary authority for a period of 120 days.

III.

THE COMMISSION ORDERS:

1. Applicant is granted temporary authority to operate as a common carrier of passengers by motor vehicle over irregular routes on the island of Kauai in the 1-to-7 passenger classification. The temporary authority shall be valid for no more than 120 days from the date of this decision and order, in accordance with HRS § 271-16. However, the temporary authority may be terminated for good cause, including, but not limited to, Applicant's failure to comply with the motor carrier laws or the commission's rules or orders.

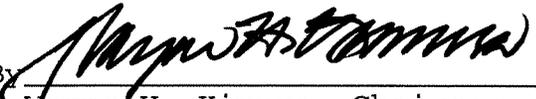
2. Applicant shall comply with all of the commission's requirements for common carriers by motor vehicle including, but not limited to, filing a lawful tariff, paying a fee of \$20 for motor carrier gross revenues, filing the appropriate insurance documents, registering and marking the appropriate motor vehicles, and complying with the safety requirements of the Motor Vehicle Safety Office, Department of Transportation, State of Hawaii.

3. Applicant shall comply with the foregoing requirements within 15 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.

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

DONE at Honolulu, Hawaii this 1st day of October, 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

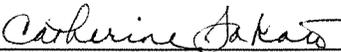
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CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 19686 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

TARA GOLDEN, dba
WET PAINT STUDIO TOURS
P. O. Box 2484
Sedona, AZ 86336



Catherine Sakato

DATED: October 1, 2002