

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of))	
ARMIJO, INC., dba)	Docket No. 02-0193
KAPALUA EXECUTIVE TRANSPORTATION)	
SERVICES & EXECUTIVE SHUTTLE)	Order No. 19928
)	
To Extend Certificate No. 4591-C)	
To Include the 8-to-25 Passenger)	
Classification, on the Island)	
of Maui.)	
_____)	

ORDER

I.

By application filed on July 29, 2002, ARMIJO, INC., dba KAPALUA EXECUTIVE TRANSPORTATION SERVICES & EXECUTIVE SHUTTLE (Applicant), seeks an expansion of its authority under certificate of public convenience and necessity number 4591-C (Certificate No. 4591-C). Under Certificate No. 4591-C, Applicant is authorized to operate as a common carrier of passengers by motor vehicle over irregular routes, on the island of Maui, in the 1-to-7 passenger classification. Applicant now seeks commission approval to expand its authority to include the 8-to-25 passenger classification.

Motions to intervene were timely filed by TEMPTATION TOURS, INC. (Temptation) and SPEEDISHUTTLE LLC (Speedishuttle) (collectively, Movants) on September 24 and 25, 2002, respectively.

Applicant served copies of the application on the Hawaii Transportation Association, which consists of carriers that may be affected by Applicant's proposed expansion of service, and on the Division of Consumer Advocacy, Department of Commerce and Consumer Affairs (Consumer Advocate). On August 2, 2002, the Consumer Advocate informed the commission that it will not be participating in this docket.

II.

Hawaii Administrative Rules (HAR) § 6-61-55(d) sets forth the requirements to intervene in this proceeding, providing that "[i]ntervention shall not be granted except on allegations which are reasonably pertinent to and do not unreasonably broaden the issues already presented." In addition, HAR § 6-61-55(b)(7) provides that a motion to intervene shall reference, among other things, "[t]he extent to which the Applicant's participation will broaden the issues or delay the proceeding[.]"

Movants allege, among other things, the following:¹

- (1) that Applicant will be in direct competition with Movants;
- (2) an additional need does not exist for another motor carrier on Maui in the 8-to-25 passenger classification;
- (3) that Movants have invested substantial amounts of money into building up their businesses;
- (4) that Movants' participation can assist in the development of a sound record; and
- (5) that Movants'

¹Movants' motions to intervene are virtually identical in style and substance. Unless otherwise noted, all discussion relates to Movants collectively.

participation will not broaden the issues or unduly delay the hearing.

Based upon our review of Movants' motions to intervene, we find that Movants have not satisfied the requirements set forth in HAR § 6-61-55. The commission is not convinced that Movants' participation in this docket will not broaden the issues already presented and unduly delay the instant proceedings. Additionally, the commission also finds that Movants failed to sufficiently demonstrate that its participation will assist the commission in the development of a sound record, pursuant to HAR § 6-61-55(b)(6).

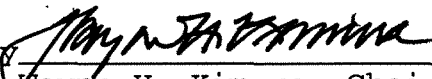
Accordingly, we conclude that Movants' have not met the requirements for intervention set forth in HAR § 6-61-55, and therefore, must deny Movants motions to intervene.

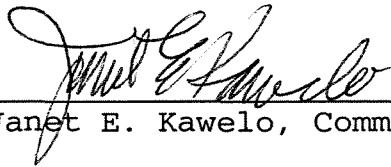
III.

THE COMMISSION ORDERS that Movants' motions to intervene, filed on September 24 and 25, 2002, are denied.

DONE at Honolulu, Hawaii this 23rd day of December,
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

02-0193.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 19928 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
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KAPALUA EXECUTIVE TRANSPORTATION SERVICES &
EXECUTIVE SHUTTLE
P. O. Box 11526
Lahaina, HI 96761

DAVID CAMPBELL, PRESIDENT
TEMPTATION TOURS, INC.
211 Ahinahina Place
Kula, HI 96790

SPEEDISHUTTLE LLC
55 Amala Place
Kahului, HI 96732



Karen Higashi

DATED: December 23, 2002