

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
ALL ISLAND TRANSPORTATION, INC.)
For a Motor Carrier Certificate)
or Permit.)
_____)

DOCKET NO. 02-0394

DECISION AND ORDER NO. 20098

Filed March 25, 2003
At 10:00 o'clock A .M.

Karen Higashi
Chief Clerk of the Commission

DIV. OF CONSUMER ADVOCACY
DEPT. OF COMMERCE AND
CONSUMER AFFAIRS
STATE OF HAWAII

2003 MAR 25 P 4:20

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

K. Higashi

Also on December 16, 2002, Temptation Tours, Inc., (Temptation Tours) moved to intervene against Applicant's proposed motor carrier service on the islands of Kauai, Oahu, Maui and Hawaii.

On January 3, 2003, Applicant amended its application to remove the islands of Maui and Hawaii from its proposed motor carrier service.

On March 17, 2003, Jack's Tours filed its notice of withdrawal of its motion to intervene (notice of withdrawal).

II.

A.

We will first address the motion to intervene by Jack's Tours. Jack's Tours' notice of withdrawal states that as a result of Applicant's amendment of its application limiting its request for its proposed motor carrier service to the islands of Kauai and Oahu, it is withdrawing its motion to intervene. The commission will approve Jack's Tours' withdrawal of its motion to intervene.

With regard to the motions to intervene filed by Katherine Barr and Wailea, we find that the amendment of Applicant's application, removing the island of Maui from its proposed service, renders the motions to intervene to be moot. We, thus, conclude that the motions to intervene by Katherine Barr and Wailea should be dismissed, without prejudice.

In addition, we also find that Applicant's amended application, which removes the islands of Maui and Hawaii from Applicant's proposed service, also renders that portion of Temptation Tours' motion to intervene, opposing Applicant's

proposed motor carrier service on the islands of Maui and Hawaii, to be moot. We, thus, also conclude that Temptation Tours' motion to intervene, as it relates to Applicant's proposed motor carrier service on the islands of Maui and Hawaii, should be dismissed, without prejudice. We will address the remainder of Temptation Tours' motion to intervene, below.

B.

Hawaii Administrative Rules (HAR) § 6-61-55 provides 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 requires a movant in a proceeding to state the facts and reasons for the proposed intervention, and its position and interest thereto.

Based upon a thorough review of Temptation Tours' motion to intervene, we find that it has not satisfied the requirements of HAR § 6-61-55. Temptation Tours does not offer any relevant facts or reasons to support a grant of intervention in the instant docket, stating only that it believes that its allegations regarding Applicant's potential effect on the island of Maui are applicable to other islands as well. We find that these are simply generalizations rather than allegations that are reasonably pertinent to the issue of Applicant's proposed services on Oahu and Kauai. We, thus, conclude that Temptation Tours has not met the requirements for intervention set forth in HAR § 6-61-55, and the portion of Temptation Tours' motion to intervene relating to

Applicant's proposed motor carrier services on the islands of Oahu and Kauai should be denied.

III.

THE COMMISSION ORDERS:

1. Jack's Tours' notice of withdrawal of its motion to intervene, filed on March 17, 2003, is approved.

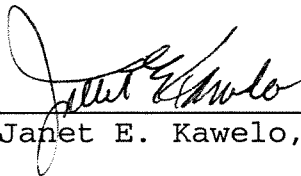
2. Katherine Barr's and Wailea Limousine Service, Inc.'s motions to intervene, filed on December 16, 2002 are dismissed, without prejudice.

3. Temptation Tours' motion to intervene, as it relates to Applicant's proposed service on the islands of Maui and Hawaii, and filed on December 16, 2002, is dismissed, without prejudice. Temptation Tours' motion to intervene, as it relates to Applicant's proposed service on the islands of Oahu and Kauai, is denied.

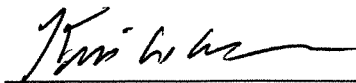
DONE at Honolulu, Hawaii this 25th day of March, 2003.

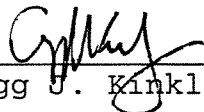
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Wayne H. Kimura, Chairman

By 
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

for 
Benedyne S. Stone
Commission Counsel

By 
Gregg J. Kinkley, Commissioner

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 20098 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

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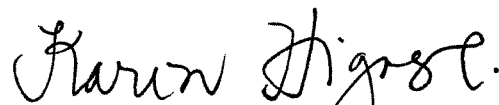
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CERTIFICATE OF SERVICE - (Continued)

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Karen Higashi

DATED: March 25, 2003