

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Request of)
)
 DAVID C. LUU)
)
 To Place Operating Authority on)
 Inactive Status.)
 _____)

DOCKET NO. 04-0097

ORDER NO. 21016

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

2004 JUN - 1 P 4: 23

RECEIVED

Filed May 28, 2004
At 2:00 o'clock P .M.

Karen Higol.
Chief Clerk of the Commission

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Request of))	
DAVID C. LUU)	Docket No. 04-0097
To Place Operating Authority on))	
Inactive Status.)	Order No. 21016
_____)	

ORDER

I.

Request to Place Common Carrier Authority on Inactive Status

On May 10, 2004, DAVID C. LUU ("Petitioner") filed a letter requesting that certificate of public convenience and necessity no. 1297-C ("Certificate No. 1297-C") be placed on inactive status. Certificate No. 1297-C authorizes Petitioner to transport passengers by motor vehicle over irregular routes on the island of Oahu in the 8-to-25 passenger classification, limited to utilizing motor vehicles with a maximum manufacturer's seating capacity of 15 passengers.

Under Hawaii Revised Statutes ("HRS") § 271-19, the commission may place a certificate on inactive status upon written request by a motor carrier, and for good cause shown. The inactive period, however, may not exceed 12 months. In addition, HRS § 271-19 provides that inactive status may only be granted for a cumulative period not to exceed two years over the life of the certificate.

The commission finds that there is good cause to grant Petitioner's request. If Petitioner so desires he may file, prior to the expiration of the inactive period granted by this order, a request to extend his inactive status for up to one additional year.

II.

Orders

THE COMMISSION ORDERS:


1. Petitioner's Certificate No. 1297-C is placed on inactive status for one year, effective from the date of this order.

2. If Certificate No. 1297-C is not reactivated prior to the expiration of the period of inactivity, i.e., within one year from the date of this order, it shall be declared abandoned and revoked. The request to reactivate Certificate No. 1297-C, along with the filing of all required documents necessary for reactivation must be completed prior to the expiration of the inactivity period, or Certificate No. 1297-C shall be revoked.

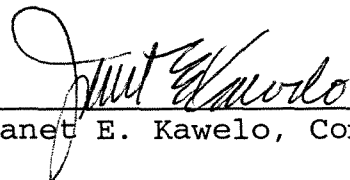
3. Petitioner shall not transfer his inactive certificate unless Petitioner can first establish good cause to the commission for the transfer, and the commission has approved the request to transfer.

DONE at Honolulu, Hawaii this 28th day of May, 2004.

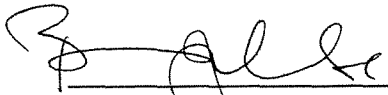
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By (EXCUSED)
Wayne H. Kimura, Commissioner

By 
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:


Benedyne S. Stone
Commission Counsel


04-0097.cs

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 21016 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

DAVID C. LUU
1908 Liliha Street, #E
Honolulu, HI 96817



Karen Higashi

DATED: May 28, 2004