

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Complaint of)
JACK'S TOURS, INC.)
Complainant,)
v.)
KILAUEA MILITARY CAMP)
Respondent.)
_____)

DOCKET NO. 04-0141

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

ORDER NO. 21116

Filed July 12, 2004
At 9 o'clock A.M.

Karen Higashi
Chief Clerk of the Commission

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Complaint of)
JACK'S TOURS, INC.) Docket No. 04-0141
Complainant,) Order No. 21116
v.)
KILAUEA MILITARY CAMP)
Respondent.)
_____)

ORDER TO SATISFY OR ANSWER COMPLAINT

I.

Complaint

On June 4, 2004, JACK'S TOURS, INC. ("Jack's Tours" or "Complainant") filed a formal complaint with the commission against KILAUEA MILITARY CAMP ("KMC" or "Respondent"), pursuant to Hawaii Administrative Rules ("HAR") §§ 6-61-67 and 6-68-13. Jack's Tours alleges that KMC violated the state of Hawaii motor carrier law, Hawaii Revised Statutes ("HRS") chapter 271.

In its complaint, Jack's Tours alleges that on the island of Hawaii, KMC is engaging in the transportation of persons or property, for compensation or hire, over a public highway in the state of Hawaii without a certificate or permit issued by the commission authorizing such transportation, in violation of HRS § 271-8.

Specifically, Jack's Tours alleges that KMC, located in the Hawaii Volcanoes National Park ("Park") is a "Joint Services Recreation Center", owned and operated by the federal government, offering, among other things, "tour packages over the public highways on the island of Hawaii".^{1,2} Jack's Tours further alleges that KMC advertises itself as a resort accommodation, including tours of the Big Island.³

Jack's Tours requests that the commission find Respondent in violation of HRS § 271-8 and that the commission issue an order to show cause as to why Respondent should not immediately cease and desist from transporting members of the general public on public highways of the island of Hawaii.

The commission finds that the complaint appears to substantially comply with HAR § 6-61-67, and concludes, pursuant to HAR §§ 6-61-67 and 6-61-68, that Respondent should file an answer responding to such complaint within 20 days after the date of service of this order.

¹See Application at 2.

²Jack's Tours' allegations note that while some unauthorized transportation takes place within the Park, two tours, the Hilo Tour and Circle Island Tour, occur outside of the Park. See Application at 4.

³See Application at 3.


II.

Order

THE COMMISSION ORDERS that Respondent shall file an answer to the attached complaint within 20 days after the date of service of this order.

DONE at Honolulu, Hawaii this 12th day of July, 2004.

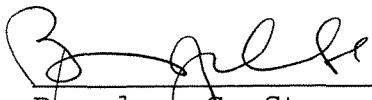
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
Wayne H. Kimura, Commissioner

By 
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:


Benedyne S. Stone
Commission Counsel

04-0141.cs

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 21116 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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DIVISION OF CONSUMER ADVOCACY
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Karen Higashi

DATED: July 12, 2004