

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
TOSHIHIRO NAKANDAKARI)
For Extension of Motor Carrier)
Certificate.)
_____)

DOCKET NO. 04-0115

DECISION AND ORDER NO. 21185

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

2004 JUL 27 A 8:20

RECEIVED

Filed July 26, 2004
At 2 o'clock P .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 Application of)
TOSHIHIRO NAKANDAKARI) Docket No. 04-0115
For Extension of Motor Carrier) Decision and Order No. 21185
Certificate.)
_____)

DECISION AND ORDER

I.

Application to Extend Common Carrier Authority

TOSHIHIRO NAKANDAKARI ("Applicant") is a common carrier of passengers by motor vehicle over irregular routes on the island of Oahu in the 1-to-7 passenger classification. On May 19, 2004, Applicant filed an application seeking commission approval to extend his authority under certificate of public convenience and necessity number 1285-C ("Certificate No. 1285-C") to include the 8-to-25 passenger classification. Applicant represents that if his authority is extended as requested, he can meet customer demand for motor vehicles with a seating capacity of 8-to-25 passengers.

Applicant served copies of the application on the Hawaii Transportation Association and the Hawaii State Certified Common Carriers Association, Inc., which consist 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.

Findings and Conclusions

Based upon our review of the record, we find that Applicant is fit, willing, and able to properly perform the proposed service, and to conform to Hawaii Revised Statutes chapter 271 and the requirements and rules of the commission. We also find that the proposed service is required by the present and future public convenience and necessity. Accordingly, we conclude that Applicant's request for an extension of his authority should be granted.

III.

Orders

THE COMMISSION ORDERS:

1. Applicant is authorized to operate as a common carrier of passengers by motor vehicle over irregular routes on the island of Oahu in the 1-to-7 and 8-to-25 passenger classifications.
2. Applicant shall surrender Certificate No. 1285-C, and an amended certificate reflecting the operating authority granted by this decision and order shall be issued.
3. 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 and filing the appropriate insurance documents.

4. Applicant shall comply with the foregoing requirements within 120 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.

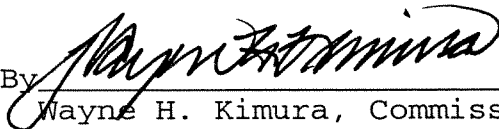
5. Applicant shall not commence operations in the 8-to-25 passenger classification until he has received written confirmation from the commission that all requirements have been met.

DONE at Honolulu, Hawaii this 26th day of July , 2004.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 

Carlito P. Caliboso, Chairman

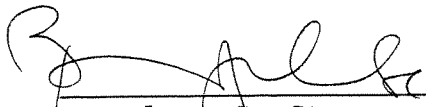
By 

Wayne H. Kimura, Commissioner

By 

Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:



Benedyne S. Stone
Commission Counsel

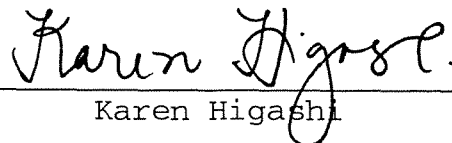
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CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 21185 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

TOSHIHIRO NAKANDAKARI
2856 Winam Avenue B
Honolulu, HI 96816



Karen Higashi

DATED: July 26, 2004