

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
MARINE CLUB COMPANY, LLC)
For Extension of Motor Carrier)
Certificate.)
_____)

DOCKET NO. 04-0174

DECISION AND ORDER NO. 21383

RECEIVED
2004 SEP 30 A 8:24
DIV. OF CONSUMER ATTORNEY
DEPT. OF COMMERCE AND
CONSUMER AFFAIRS
STATE OF HAWAII

Filed Sept. 29, 2004
At 1 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)
MARINE CLUB COMPANY, LLC)
For Extension of Motor Carrier)
Certificate.)
_____)

Docket No. 04-0174
Decision and Order No. 21383

DECISION AND ORDER

I.

Application to Extend Common Carrier Authority

MARINE CLUB COMPANY, LLC ("Applicant") is a common carrier of passengers by motor vehicle over irregular routes on the island of Hawaii, excluding Waipio Valley, in the 8-to-25 passenger classification. On July 13, 2004, Applicant filed an application seeking commission approval to extend its authority under certificate of public convenience and necessity number 5728-C ("Certificate No. 5728-C") to include the 1-to-7 passenger classification. Applicant represents that if its authority is extended as requested, it can tailor its tours to economically accommodate smaller tour groups, including couples and single passengers.

Applicant served copies of the application on the Hawaii Transportation Association, which consists 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 its 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 Hawaii, excluding Waipio Valley, in the 1-to-7 and 8-to-25 passenger classifications.

2. Applicant shall surrender Certificate No. 5728-C, and an amended certificate reflecting the operating authority granted by this decision and order shall be issued.

3. Applicant shall comply with the foregoing requirement within one hundred and twenty (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.

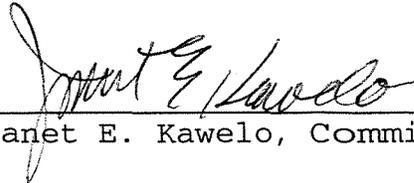
4. Applicant shall not commence operations in the 1-to-7 passenger classification until it has received written confirmation from the commission that all requirements have been met.

DONE at Honolulu, Hawaii SEP 29 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

04-0174.rpr

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 21383 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

MARINE CLUB COMPANY, LLC
75-5744 Alii Drive, Suite 231
Kailua-Kona, HI 96745

ROBERT D. TRIANTOS
P.O. Box 1720
Kailua-Kona, HI 96745



Karen Higashi

DATED: SEP 29 2004