

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
LIFTED ENTERTAINMENT INC.)
For Temporary Common Carrier)
Authority.)
_____)

DOCKET NO. 04-0317

DECISION AND ORDER NO. 21504

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

Filed Dec. 20, 2004
At 10:00 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

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Docket No. 04-0317
Decision and Order No. **21504**

DECISION AND ORDER

I.

Application for Temporary Common Carrier Authority

On November 3, 2004, LIFTED ENTERTAINMENT INC. ("Applicant") filed an application requesting temporary authority to operate as a common carrier of passengers by motor vehicle over irregular routes on the island of Oahu in the 8-to-25 passenger classification. The application is made pursuant to Hawaii Revised Statutes ("HRS") § 271-16.

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.

II.

Findings and Conclusions

For a grant of temporary operating authority pursuant to HRS § 271-16, an applicant must satisfy two conditions. First, the

applicant must establish that there is "an immediate and urgent need" for the proposed service. Second, the applicant must demonstrate "[an] absence of carrier service capable of meeting the need between points or in the territory where the temporary service will be instituted." See In re Robert's Tours & Transportation, Inc., Decision and Order No. 15274, Docket No. 96-0437 (December 23, 1996). Moreover, the commission may, at its discretion, grant temporary authority without hearings or other proceedings. HRS § 271-16.

Based upon our review of the application, we find that Applicant does not meet the criteria for temporary authority set forth in HRS § 271-16. Applicant has not shown any immediate and urgent need for its motor carrier service, nor has it shown that no other motor carrier is able to provide the motor carrier service proposed by Applicant. Thus, the commission concludes that Applicant's request for a temporary motor carrier certificate should be denied.

III.

Orders

THE COMMISSION ORDERS:

1. Applicant's request for temporary authority to operate as a common carrier of passengers by motor vehicle over irregular routes on the island of Oahu in the 8-to-25 passenger classification is denied.
2. This docket is closed.

DONE at Honolulu, Hawaii

DEC 20 2004

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By Carlito P. Caliboso
Carlito P. Caliboso, Chairman

By Wayne H. Kimura
Wayne H. Kimura, Commissioner

By Janet E. Kawelo
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

Benedyne S. Stone
Benedyne S. Stone
Commission Counsel

04-0317.cs

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 21504 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

LIFTED ENTERTAINMENT INC.
c/o BRIAN DENICOLO
67-281 Kahaone Loop, #C
Waialua, HI 96791



Karen Higashi

DATED: DEC 20 2004