

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
)
 MAUI CHINA TOURS, INC.)
)
 To Sell, Lease, Assign, Mortgage or)
 Otherwise Dispose of, or Encumber)
 The Whole or Any Part of Its)
 Property, Certificate, or Permit.)
 _____)

DOCKET NO. 04-0325

DECISION AND ORDER NO. 21632

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

2005 FEB - 7 A 8:00

RECEIVED

Filed Feb. 4, 2005
At 2:00 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

Transferor served copies of the application on the Hawaii Transportation Association, which consists of carriers that may be affected by the proposed transfer, and on the Division of Consumer Advocacy, Department of Commerce and Consumer Affairs ("Consumer Advocate"). By a statement filed on November 10, 2004, the Consumer Advocate indicated that it will not participate in this proceeding. No persons moved to intervene in this docket.

II.

Findings and Conclusions

Upon review of Transferor's application, the commission finds that Transferee is fit, willing, and able to perform the services presently performed by Transferor, and that the proposed transfer of Certificate No. 4827-C is just and reasonable and will be consistent with the public interest. Accordingly, the commission concludes that the proposed transfer is in accordance with HRS § 271-18, and should, therefore, be approved.

III.

Orders

THE COMMISSION ORDERS:

1. Transferor's application to transfer Certificate No. 4827-C to Transferee is approved.
2. Transferee shall comply with all of the commission's requirements for common carriers by motor vehicle including, but

not limited to, filing a lawful tariff, filing the appropriate insurance documents, and paying a fee of \$20 for motor carrier gross revenues.

3. Transferor shall surrender Certificate No. 4827-C, and a certificate reflecting the operating authority granted by this decision and order shall be issued to Transferee.

4. Transferor shall file with the commission its annual financial report for the period of operation from January 1, 2005, to the effective date of this decision and order, and shall pay the associated motor carrier gross revenue fee.

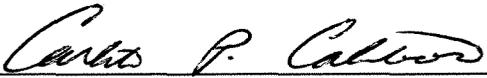
5. Transferor shall file an annual financial report for the calendar year 2004, and pay the associated motor carrier gross revenue fee for the calendar year 2004 by April 30, 2005.

6. Transferor and Transferee shall comply with the requirements set forth herein 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.

7. Transferee shall not commence operations under this decision and order until it has received written confirmation from the commission that all requirements have been met.

DONE at Honolulu, Hawaii FEB - 4 2005.

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

04-0325.rpr

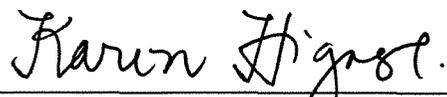
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 21632 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

MAUI CHINA TOURS, INC.
c/o HELENA MA
382 Kanaloa Avenue
Kahului, HI 96732

MERRY CHINA TRAVEL, INC.
c/o HELENA MA
382 Kanaloa Avenue
Kahului, HI 96732



Karen Higashi

DATED: FEB - 4 2005