

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of )  
 )  
 DRAGAN RNIC dba )  
 RESORT LIMOUSINE SERVICE )  
 )  
 For A Motor Carrier Certificate )  
 Or Permit. )  
 \_\_\_\_\_ )

DOCKET NO. 04-0179

ORDER NO. 21780

RECEIVED  
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BY: DEPT OF CONSUMER ADVOCACY  
DEPT OF COMMERCE AND  
CONSUMER AFFAIRS  
STATE OF HAWAII

Filed April 27, 2005  
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.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of)	)	
DRAGAN RNIC dba	)	
RESORT LIMOUSINE SERVICE	)	Docket No. 04-0179
	)	
For A Motor Carrier Certificate	)	Order No. 21780
Or Permit.	)	
_____	)	

ORDER

By this Order, the commission grants Jack's Tours, Inc.'s ("Jack's" or "Movant") request to present oral arguments on the hearings officer's findings of fact, conclusions of law and recommended decision and order ("Recommended Decision"), filed on March 30, 2005.

I.

Introduction

On July 22, 2004, DRAGAN RNIC dba RESORTS LIMOUSINE SERVICE ("Applicant"), filed an application to, among other things,<sup>1</sup> extend its authority under certificate of public convenience and necessity number 5710-C by removing the restriction limiting Applicant to ten (10) passengers in the 8-to-25 passenger classification, on the island of Hawaii, excluding Waipio Valley.

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<sup>1</sup>Applicant also filed his request for an extension of his motor carrier authority on the island of Kauai. That request is not a part of this Order and was determined separately by the commission.

On August 18, 2004, Movant filed a motion to intervene, with a request for a hearing on the motion, pursuant to Hawaii Administrative Rules ("HAR") § 6-61-55 ("Motion to Intervene"). On August 26, 2004, Applicant filed a memorandum in opposition to the Motion to Intervene ("Memorandum in Opposition").<sup>2</sup> On September 7, 2004, Movant filed a reply memorandum to the Memorandum in Opposition.

A hearing on the Motion to Intervene was held at 9:00 a.m. on November 23, 2004, at the commission's Hawaii District Office. Applicant represented himself at the hearing. Jack's was represented by attorney Wray Kondo.

On March 15, 2005, the hearings officer, Kevin M. Katsura, issued a Recommended Decision, wherein he recommended that the commission deny Jack's Motion to Intervene.

On March 30, 2005, Jack's filed timely exceptions to the Recommended Decision ("Exceptions")<sup>3</sup> and asked that the Recommended Decision be reversed and that oral arguments be heard on the Exceptions, pursuant to HAR § 6-61-132.

HAR § 6-61-132 provides that the commission may "on its own motion or on the request of any party", direct oral argument on exceptions. Accordingly, the commission will grant Jack's request for oral arguments on the Exceptions filed in this docket.

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<sup>2</sup>Pursuant to HAR §§ 6-61-41 and 6-61-21, Applicant's Memorandum in Opposition was untimely. In this regard, Applicant filed a request with the commission to enlarge the time for him to file a response to the Motion to Intervene; this request was not copied to Movant. The commission will address the issues of untimeliness and Applicant's request for an enlargement of time in a subsequent decision and order.

<sup>3</sup>See HAR § 6-61-130.

Additionally, in light of the commission granting Jack's request for oral arguments, the commission will also give Applicant an opportunity, if he so desires, to present oral arguments on the Exceptions.


## II.

### Order

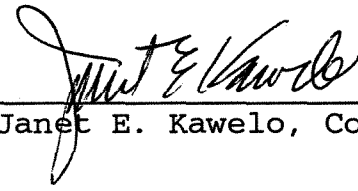
THE COMMISSION ORDERS that Jack's request for the commission to hear oral arguments on its Exceptions, filed on March 30, 2005, is granted. The commission shall hear Jack's and Applicant's oral arguments relating to Jack's Exceptions at 465 South King Street, Room B3, Honolulu, Hawaii, on May 24, 2005 at 1:00 p.m. Jack's and Applicant may be represented by counsel. If either side chooses not to retain counsel for oral argument, each may be represented at the hearing as follows: (a) an individual may appear on his or her own behalf; (b) a partner may represent a partnership; and (c) an officer or authorized employee of a corporation, trust, or association may represent the corporation, trust, or association.

DONE at Honolulu, Hawaii APR 27 2005.

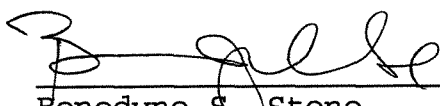
PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Carlito P. Caliboso, Chairman

By   
Wayne H. Kimura, Commissioner

By   
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

  
Benedyne S. Stone  
Commission Counsel

04-0179.rpr

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 21780 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  
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Honolulu, HI 96809

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(Attorney for INTERVENOR)

  
\_\_\_\_\_  
Karen Higashi

DATED: APR 27 2005