

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
 JOHN R. EDNEY)
For A Motor Carrier Certificate)
Or Permit.)
_____)

Docket No. 04-0258
Order No. 21781

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 August 13, 2004, JOHN R. EDNEY ("Applicant"), filed an application for a certificate of public convenience and necessity to transport passengers by motor vehicle in the 1-to-7 and 8-to-25 passenger classification, on the island of Hawaii, excluding Waipio Valley. On September 27, 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 October 12, 2004, Applicant filed a response to the Motion to Intervene ("Applicant's Response"). On October 15, 2004, Movant filed a motion to strike Applicant's Response and memorandum in support of the motion

("Motion to Strike"). On November 3, 2004, Movant filed a reply memorandum in support of its Motion to Strike.

A hearing on the Motion to Intervene was held at 9:30 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")¹ and asked that the Recommended Decision be reversed and that oral arguments be heard on the Exceptions, pursuant to HAR § 6-61-132. On April 1, 2005, Applicant filed a response to Jack's Exceptions.

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. 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.

¹See HAR § 6-61-130.

II.

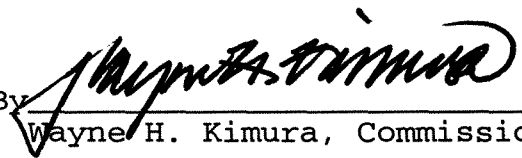
Order

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.

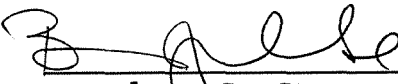
DONE at Honolulu, Hawaii APR 27 2005.


PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
Wayne H. Kimura, Commissioner

APPROVED AS TO FORM:


Benedyne S. Stone
Commission Counsel

By 
Janet E. Kawelo, Commissioner

04-0258.rpr

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 21781 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

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(Attorney for INTERVENOR)



Karen Higashi

DATED: APR 27 2005