

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)

ISLAND DREAMS, INC.)

DOCKET NO. 04-0261

For A Motor Carrier Certificate)
Or Permit.)
_____)

ORDER NO. 21782

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

RECEIVED
2005 APR 28 A 7:54

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)
ISLAND DREAMS, INC.)
For A Motor Carrier Certificate)
Or Permit.)
_____)

Docket No. 04-0261

Order No. 21782

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 18, 2004, ISLAND DREAMS, INC. ("Applicant") filed an application for a certificate of public convenience and necessity to transport passengers by motor vehicle in the 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").

A hearing on the Motion to Intervene was held on December 29, 2004, at 9:30 a.m. at the commission's Hawaii District Office.¹ Applicant did not appear 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")² 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. Additionally, in light of the commission granting Jack's request for oral arguments, the commission will also give Applicant an opportunity, if it so desires, to present oral arguments on the Exceptions.

¹The hearing on the Motion to Intervene was rescheduled at the request of Jack's and Applicant, from November 23, 2004.

²See HAR § 6-61-130.

II.

Order

THE COMMISSION ORDERS that Jack's request to have 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
Carlito P. Caliboso, Chairman

By Wayne H. Kimura
Wayne H. Kimura, Commissioner

APPROVED AS TO FORM:

Benedyne S. Stone
Benedyne S. Stone
Commission Counsel

By Janet E. Kawelo
Janet E. Kawelo, Commissioner

04-0261.rpr

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 21782 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

ISLAND DREAMS, INC.
c/o HIROAKI KOMATSU
P. O. Box 383261
Waikoloa, HI 96738

J. JAMES SOGI, ESQ.
LAW HAWAII, LLLC
75-170 Hualalai Road, Suite D-120
Kailua-Kona, HI 96740

(Attorney for ISLAND DREAMS, INC.)

JACK'S TOURS, INC.
ATTN: JEFF MIYASHIRO
737 Kanoelehua Avenue
Hilo, HI 96720

WRAY H. KONDO, ESQ.
EMI L.M. LAIMULOA, ESQ.
WATANABE ING KAWASHIMA & KOMEIJI LLP
First Hawaiian Center
999 Bishop Street, 23rd Floor
Honolulu, HI 96813

(Attorney for JACK'S TOURS, INC.)



Karen Higashi

DATED: APR 27 2005