

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
)
SUNG KI KWAK, dba)
SHIN JIN HAWAII TRAVEL & TOUR)
)
To Sell, Lease, Assign, Mortgage or)
Otherwise Dispose of, or Encumber)
The Whole of Any Part of Its)
Property, Certificate, or Permit.)
_____)

DOCKET NO. 04-0370

DECISION AND ORDER NO. 21785

Filed April 29, 2005
At 2:00 o'clock P.M.

Karen Higashi.
Chief Clerk of the Commission

RECEIVED
2005 MAY -3 A 8:00
DIV. OF CONSUMER PROTECTION
DEPT. OF COMMERCE AND
CONSUMER AFFAIRS
STATE OF HAWAII

ATTEST: A True Copy
KAREN HIGASHI
Chief Clerk, Public Utilities
Commission, State of Hawaii.

K. Higashi.

to utilizing motor vehicles with a maximum manufacturer's seating capacity of 15 passengers.

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"). The Consumer Advocate did not participate in this proceeding, and 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. 5699-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. 5699-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, paying a fee of \$20 for motor carrier gross revenues, and filing the appropriate insurance documents.

3. Transferor shall surrender Certificate No. 5699-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.

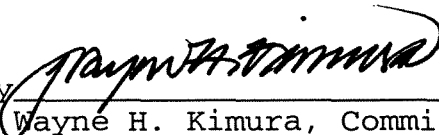
6. Transferor and Transferee shall comply with the foregoing requirements within one hundred and twenty (120) days after service of this Decision and Order. Failure to comply within the time specified constitutes cause for this commission to void this Decision and Order.


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 APR 29 2005.

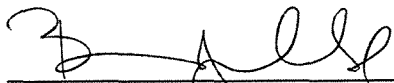
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
Wayne H. Kimura, Commissioner

By 
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:


Benedyne S. Stone
Commission Counsel

04-0370.rpr

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 21785 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

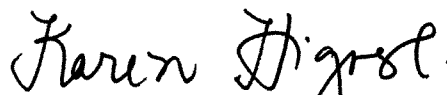
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
P. O. Box 541
Honolulu, HI 96809

SUNG KI KWAK, dba
SHIN JIN HAWAII TRAVEL & TOUR
2576 A Kilauea Avenue
Hilo, HI 96720

ALL HAWAII ADVENTURE TOURS, INC.
c/o SUNG KI KWAK
P. O. Box 4234
Hilo, HI 96720

DENNIS W. JUNG, ESQ.
ATTORNEY AT LAW
550 Halekauwila Street, Suite 306A
Honolulu, HI 96813

(Attorney for Applicant)



Karen Higashi

DATED: APR 29 2005