

The application is made pursuant to Hawaii Revised Statutes ("HRS") § 271-12.

Applicant served copies of the application on the Hawaii Transportation Association, which consists of carriers that may be affected by Applicant's proposed service, and on the Division of Consumer Advocacy, Department of Commerce and Consumer Affairs ("Consumer Advocate"). The Consumer Advocate did not participate in this proceeding.

On August 4, 2004, Jack's Tours, Inc. ("Jack's Tours") filed a motion to intervene in the instant proceeding ("Motion to Intervene") which included a request that the commission hear oral arguments on the Motion to Intervene. On August 23, 2004, Applicant filed a Response to the Motion to Intervene ("Applicant's Response"). On September 3, 2004, Jack's Tours filed a Reply Memorandum to Applicant's Response. Oral argument on the Motion to Intervene was held on November 23, 2004 in Hilo, Hawaii. At the oral argument Applicant was represented by its President, and Jack's Tours was represented by its attorney.

On March 15, 2005, the commission issued Findings of Fact, Conclusions of Law, and Recommended Decision and Order of Hearings Officer ("Recommended Decision"), in which the hearings officer recommended that the commission deny the Motion to Intervene. On March 30, 2005, Jack's Tours filed written exceptions to the Recommended Decision ("Exceptions"), pursuant to Hawaii Administrative Rules § 6-61-130, and requested that the commission hear oral argument on the Exceptions. Oral argument on the Exceptions was heard by the commission on May 24, 2005.

On June 3, 2005, the commission issued Order No. 21854 approving, and adopting *in toto*, the Recommended Decision and denying Jack's Tours' Motion to Intervene.

II.

Findings and Conclusions

Based upon our review of the record, we find that Applicant is fit, willing, and able to properly perform the proposed service, and to conform to HRS chapter 271 and the requirements and rules of the commission. We also find that the proposed service is required by the present and future public convenience and necessity. Accordingly, we conclude that Applicant's request for operating authority, as set forth in the application, should be granted.

III.

Orders

THE COMMISSION ORDERS:

1. Applicant is granted a Certificate to operate as a common carrier of passengers by motor vehicle over irregular routes on the island of Hawaii, excluding Waipio Valley, in the 8-to-25 passenger classification, limited to utilizing motor vehicles with a maximum manufacturer's seating capacity of 15 passengers.

2. Applicant shall comply with all of the commission's requirements for common carriers by motor vehicle

including, but not limited to, filing a lawful tariff and paying a fee of \$20 for motor carrier gross revenues.

3. Applicant 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.

4. Applicant shall not commence operations under this Decision and Order until it has received written confirmation from the commission that all requirements have been met.

5. This docket is closed unless otherwise ordered by the commission.

DONE at Honolulu, Hawaii JUN 28 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:

By Janet E. Kawelo
Janet E. Kawelo, Commissioner

Benedyne S. Stone
Benedyne S. Stone
Commission Counsel

04-0168,eh

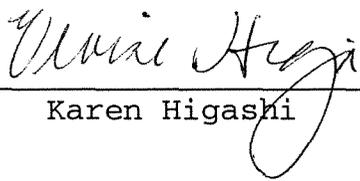
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 21894 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

KUMIKO HASEGAWA, PRESIDENT
4U2C, INC., dba
HAWAI'I NATURE EXPLORERS
P. O. Box 5596
Hilo, HI 96720

DATED: JUN 28 2005

for 

Karen Higashi