

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
)
 KAPOHOKINE ADVENTURES, LLC)
)
 For Extension of Motor Carrier)
 Certificate.)
 _____)

DOCKET NO. 05-0074

DECISION AND ORDER NO. 21974

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

Filed August 5, 2005
At 11 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))	
KAPOHOKINE ADVENTURES, LLC)	Docket No. 05-0074
For Extension of Motor Carrier)	
Certificate.)	Decision and Order No. 21974
_____)	

DECISION AND ORDER

By this Decision and Order, the commission authorizes KAPOHOKINE ADVENTURES, LLC ("Applicant") to extend its authority under certificate of public convenience and necessity number 5730-C ("Certificate No. 5730-C") to include the 8-to-25 passenger classification on the island of Hawaii, excluding Waipio Valley, subject to certain conditions, as described herein.

I.

Application to Extend Common Carrier Authority

Applicant is a common carrier of passengers by motor vehicle over irregular routes on the island of Hawaii, excluding Waipio Valley, in the 1-to-7 passenger classification. On March 22, 2005, Applicant filed an application seeking commission approval to extend its authority under Certificate No. 5730-C to include the 8-to-25 passenger classification. Applicant represents that if its authority is extended as requested, it can

meet customer demand for motor vehicles with a seating capacity of 8-to-25 passengers.

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"). On March 24, 2005, the Consumer Advocate informed the commission that it will not be participating in this docket.

On June 7, 2005, Jack's Tours, Inc. ("Jack's") 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 June 14, 2005, Applicant filed a memorandum in opposition to Jack's Motion to Intervene.

On June 28, 2005, oral argument on the Motion to Intervene was heard by the commission. On July 8, 2005, the commission issued Order No. 21911, denying Jack's 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 Hawaii Revised Statutes 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 an extension of its authority should be granted.

III.

Orders

THE COMMISSION ORDERS:

1. Applicant is authorized to operate as a common carrier of passengers by motor vehicle over irregular routes on the island of Hawaii, excluding Waipio Valley, in the 1-to-7 and 8-to-25 passenger classifications.

2. Applicant shall surrender Certificate No. 5730-C, and an amended certificate reflecting the operating authority granted by this Decision and Order shall be issued.

3. Applicant shall comply with all of the commission's requirements for common carriers by motor vehicle including, but not limited to, filing a Vehicle Inventory List and copies of its Certificates of Registration or Ownership documents.

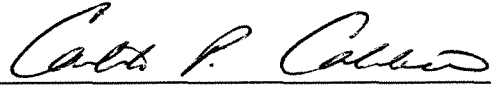
4. Applicant shall comply with the foregoing requirements within one hundred and twenty (120) days after service of this Decision and Order. Failure to comply within the time specified constitutes cause for this commission to void this Decision and Order.

5. Applicant shall not commence operations in the 8-to-25 passenger classification until it has received written

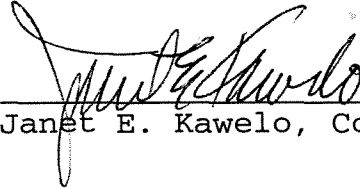
confirmation from the commission that all requirements have been met.

DONE at Honolulu, Hawaii AUG - 5 2005 .

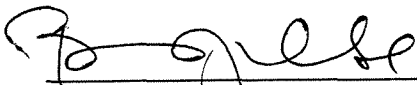
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
Wayne H. Kimura, Commissioner

By 
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:


Benedyne S. Stone
Commission Counsel

05-0074.cs

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 21974 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

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RR2 Box 4078
14-4994 Kikiao Street
Pahoa, HI 96778



Karen Higashi

DATED: AUG - 5 2005