

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
POLYNESIAN ADVENTURE TOURS, INC.)
For a Motor Carrier Certificate or)
Permit.)
_____)

DOCKET NO. 05-0208

DECISION AND ORDER NO. 22113

Filed Nov. 9, 2005
At 11:45 o'clock A.M.

Karen Higashi
Chief Clerk of the Commission

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

2005 NOV 10 A 8:00

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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)
POLYNESIAN ADVENTURE TOURS, INC.) Docket No. 05-0208
For a Motor Carrier Certificate or) Decision and Order No. 22113
Permit.)
_____)

DECISION AND ORDER

By this Decision and Order, the commission grants POLYNESIAN ADVENTURE TOURS, INC. ("Applicant") a certificate of public convenience and necessity ("Certificate") to operate as a common carrier of property by motor vehicle over irregular routes on the islands of Kauai, Oahu, Maui, and Hawaii, in the specific commodities (baggage) classification, subject to certain conditions, as described herein.

I.

Application for Common Carrier Authority

On August 16, 2005, Applicant filed an application requesting a Certificate to operate as a common carrier of property by motor vehicle over irregular routes on the islands of Kauai, Oahu, Maui, and Hawaii in the general commodities classification ("Application").¹ On October 19, 2005, Applicant filed a supplemental memorandum in support of its Application.

¹Applicant is currently authorized, under Certificate No. 974-C, to transport passengers by motor vehicle in the 8-to-25 and over-25 passenger classifications on the islands of Kauai, Oahu, Maui, and Hawaii.

On November 3, 2005, Applicant filed with the commission a further supplement to its Application in the form of written testimony of Jonathan Savitz, Applicant's President, along with exhibits. The Application is made pursuant to Hawaii Revised Statutes ("HRS") § 271-12. Applicant proposes to transport baggage to the airport for the cruise ship passengers of its parent company, Norwegian Cruise Lines, Inc. ("NCLA"), who do not wish to take the NCLA shore excursions or who elect to take independent shore excursions in between ship-airport departures (i.e., who do not go to the airport from the cruise ship via Applicant's transportation services). Currently, these passengers have to take their baggage with them.

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, and no persons moved to intervene in this docket.

II.

Findings and Conclusions

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. The commission notes, however, that the general commodities authority requested by Applicant

exceeds that required to perform the proposed service of transporting baggage.² Since Applicant proposes to transport only one commodity, i.e., baggage, its operating authority should be limited to the specific commodities (baggage) classification. Accordingly, the commission finds that Applicant's request for operating authority, as limited by this Decision and Order, should be granted.

III.

Orders

THE COMMISSION ORDERS:

1. Applicant's request to operate as a common carrier of property by motor vehicle over irregular routes on the islands of Kauai, Oahu, Maui, and Hawaii, in the general commodities classification is denied.

2. Applicant is granted a Certificate to operate as a common carrier of property by motor vehicle over irregular routes on the islands of Kauai, Oahu, Maui, and Hawaii, in the specific commodities (baggage) classification.

3. 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.

4. Applicant shall comply with the foregoing requirements within one hundred and twenty (120) days after

²Pursuant to Hawaii Administrative Rules § 6-62-36, general commodities authority authorizes a motor carrier to transport all types of commodities, except these described in HAR § 6-62-37 (household goods) and HAR § 6-62-38 (commodities in dump trucks).

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 as a common carrier of property until it has received written confirmation from the commission that all requirements have been met.

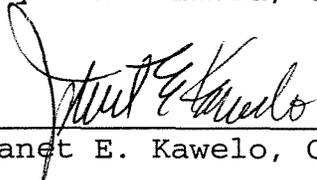
DONE at Honolulu, Hawaii NOV - 9 2005.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By (EXCUSED)
Wayne H. Kimura, Commissioner

APPROVED AS TO FORM:

By 
Janet E. Kawelo, Commissioner


Benedyne S. Stone
Commission Counsel

05-0208.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 22113 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
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Honolulu, HI 96809

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Attorney for Polynesian Adventure Tours, Inc.



Karen Higashi

DATED: NOV - 9 2005