

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
)
 MAUI ECONOMIC OPPORTUNITY, INC.)
)
 For a Contract Carrier Permit and)
 Extension of Motor Carrier)
 Certificate.)
 _____)

DOCKET NO. 05-0233

DECISION AND ORDER NO. 22184

Filed December 12, 2005
At 10:45 o'clock A .M.

Brooke K. Kane
for Chief Clerk of the Commission

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

ATTEST: A True Copy
BROOKE K. KANE
Administrative Director
Public Utilities Commission
State of Hawaii

Brooke K. Kane

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MAUI ECONOMIC OPPORTUNITY, INC.)
For a Contract Carrier Permit and)
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Docket No. 05-0233
Decision and Order No. 22184

DECISION AND ORDER

By this Decision and Order, the commission (1) grants MAUI ECONOMIC OPPORTUNITY, INC. ("Applicant") a permit to operate as a contract carrier of passengers in the 8-to-25 and over-25 passenger classifications on the islands of Maui, Molokai, and Lanai, pursuant to a contract with the County of Maui, and (2) authorizes Applicant to extend its authority under certificate of public convenience and necessity number 4575-C ("Certificate No. 4575-C") to include the 8-to-25 and over-25 passenger classifications on the islands of Maui, Molokai, and Lanai, subject to certain conditions, as described herein.

I.

Application for Permit and Extension of Common Carrier Authority

Applicant is a common carrier of passengers by motor vehicle over irregular routes on the island of Maui in the 1-to-7 passenger classification, limited to providing transportation services for non-ambulatory passengers. On

September 14, 2005, Applicant filed an application seeking commission approval to extend its authority under Certificate No. 4575-C to include the 8-to-25 and over-25 passenger classifications on the islands of Maui, Molokai, and Lanai. Applicant represents that the increase in passenger seating capacity is needed to meet the demand for specialized transportation services for the elderly, disabled, those of low-income, youth, and Head Start children.

In the same application, Applicant requests a permit, pursuant to Hawaii Revised Statutes ("HRS") § 271-13, to operate as a contract carrier of passengers in the 8-to-25 and over-25 passenger classifications on the islands of Maui, Molokai, and Lanai, under contract with the County of Maui.

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

Based upon our review of the record, we find that Applicant is fit, willing, and able to properly perform the proposed services, and to conform to HRS chapter 271 and the requirements and rules of the commission. We also find that the

proposed services are 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 authorized (1) to operate as a contract carrier of passengers over irregular routes on the islands of Maui, Molokai, and Lanai, in the 8-to-25 and over-25 passenger classifications, pursuant to a contract with the County of Maui, and (2) to operate as a common carrier of passengers by motor vehicle over irregular routes on the islands of Maui, Molokai, and Lanai, in the 1-to-7 passenger classification, limited to providing transportation services to non-ambulatory passengers, and in the 8-to-25 and over-25 passenger classifications (no limitations).

2. Applicant shall surrender Certificate No. 4575-C, and an amended certificate reflecting the operating authority granted by this Decision and Order shall be issued.

3. Applicant shall file a copy of its executed contract with the County of Maui. The contract must include all terms and conditions under which the transportation services are being provided, as well as the rates being charged.

4. Applicant shall comply with all of the commission's requirements for contract and common carriers by

motor vehicle including, but not limited to, filing a lawful tariff that reflects its new common carrier authority granted by this Decision and Order.

5. 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.

6. Applicant shall not commence operations as a contract carrier or common carrier in the 8-to-25 and over-25 passenger classifications until it has received written confirmation from the commission that all requirements have been met.

DONE at Honolulu, Hawaii DEC 12 2005.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By *Carlito P. Caliboso*
Carlito P. Caliboso, Chairman

By (EXCUSED)
Wayne H. Kimura, Commissioner

APPROVED AS TO FORM:

Stacey Kawasaki Djou
Stacey Kawasaki Djou
Commission Counsel

By *Janet E. Kawelo*
Janet E. Kawelo, Commissioner

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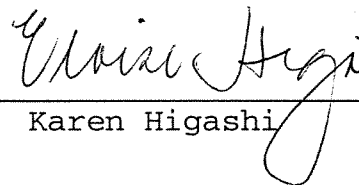
CERTIFICATE OF SERVICE


I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 22184 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

MAUI ECONOMIC OPPORTUNITY, INC.
c/o GLADYS C. BAISA
P. O. Box 2122
Kahului, HI 96733

STEVEN HO, ESQ.
JOHN KNOREK, ESQ.
TORKILDSON, KATZ, FONSECA, MOORE & HETHERINGTON
700 Bishop Street, 15th Floor
Honolulu, HI 96813-4187





Karen Higashi

DATED: DEC 12 2005