

under Certificate No. 5708-C by (1) including the 1-to-7 passenger classification, and (2) deleting the 15 passenger seat limitation in the 8-to-25 passenger classification.

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 July 7, 2005, the Consumer Advocate informed the commission that it will not be participating in this docket.

On August 24, 2005, Jack's Tours, Inc. ("Jack's") filed a motion to intervene in this proceeding ("Motion to Intervene"), which included a request that the commission hear oral arguments on the Motion to Intervene. On October 3, 2005, Applicant filed a Motion to Strike Motion to Intervene and on October 10, 2005, Jack's filed a Memorandum in Opposition to the Motion to Strike.

On October 13, 2005, oral arguments on the Motion to Intervene were heard by the commission. On November 16, 2005, the commission issued Order No. 22125, denying Jack's Motion to Intervene and dismissing Applicant's Motion to Strike.

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. 5708-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 lawful tariff.

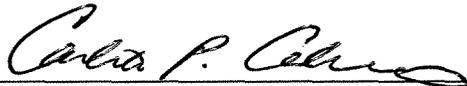
4. Applicant shall comply with the foregoing requirements within one hundred and twenty (120) days after service of this Decision and Order. Failure to comply within the time specified constitutes cause for this commission to vacate this Decision and Order.

5. Applicant shall not commence operations in the 1-to-7 passenger classification or utilize motor vehicle with 16 to 25 passenger seating capacity until it has received written

confirmation from the commission that all requirements have been met.

DONE at Honolulu, Hawaii FEB 13 2006.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By (EXCUSED)
Wayne H. Kimura, Commissioner

By 
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:


Benedyne S. Stone
Commission Counsel

05-0162.cs

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 22284 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

TSUKAMOTO FAMILY TOURS, INC., dba
NATURE SCHOOL
P. O. Box 3102
Kailua-Kona, HI 96745-3102

EDMUND W.K. HAITSUKA, ESQ.
CARLSMITH BALL, LLP
P. O. Box 1720
Kailua-Kona, HI 96745-1720



Karen Higashi

DATED: FEB 13 2006