

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of )  
ACTION ADVENTURE TRAVEL, INC., dba )  
ACTION ADVENTURE TOURS )  
For a Motor Carrier Certificate or )  
Permit. )  
\_\_\_\_\_ )

DOCKET NO. 05-0326

DECISION AND ORDER NO. 22349

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

2006 MAR 24 A 8:24

RECEIVED

Filed March 23, 2006  
At 1 o'clock P.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

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ACTION ADVENTURE TRAVEL, INC., dba )  
ACTION ADVENTURE TOURS )  
For a Motor Carrier Certificate or )  
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Docket No. 05-0326  
Decision and Order No. 22349

DECISION AND ORDER

By this Decision and Order, the commission grants ACTION ADVENTURE TRAVEL, INC., dba ACTION ADVENTURE TOURS ("Applicant"), a certificate of public convenience and necessity ("Certificate") to operate as a common carrier of passengers by motor vehicle over irregular routes on the island of Maui in the 8-to-25 passenger classification, limited to providing transportation services in conjunction with its kayak tours, and subject to certain conditions, as described herein.

I.

Application for Common Carrier Authority

On December 27, 2005, Applicant filed an application requesting a Certificate to operate as a common carrier of passengers by motor vehicle over irregular routes on the island of Maui in the 8-to-25 passenger classification, limited to providing transportation services in conjunction with its kayak tours. 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, 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 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 Maui in the 8-to-25 passenger classification, limited to providing transportation services in conjunction with its kayak tours.

2. Applicant shall comply with all of the commission's requirements for common carriers by motor vehicle including, but not limited to, paying a fee of \$20 for motor carrier gross revenues and filing the appropriate insurance documents.

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 vacate 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.

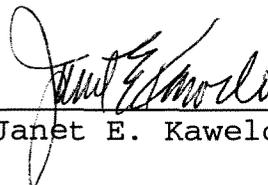
DONE at Honolulu, Hawaii MAR 23 2006.

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

  
Stacey Kawasaki Djou  
Commission Counsel

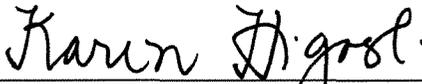
05-0326.ah

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 22349 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

JOHN E. COLE, EXECUTIVE DIRECTOR  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
DIVISION OF CONSUMER ADVOCACY  
P. O. Box 541  
Honolulu, HI 96809

ACTION ADVENTURE TRAVEL, INC., dba  
ACTION ADVENTURE TOURS  
c/o STEPHEN JUAREZ  
1223 Front Street  
Lahaina, HI 96761

  
\_\_\_\_\_  
Karen Higashi

DATED: MAR 23 2006