

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
JACK'S TOURS, INC.)
For Extension of Motor Carrier)
Certificate.)
_____)

DOCKET NO. 05-0159

DECISION AND ORDER NO. 22471

Filed May 18, 2006

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

for Eleanor R. Luasoopt
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)		
JACK'S TOURS, INC.)	Docket No. 05-0159
For Extension of Motor Carrier)	Decision and Order No. 22471
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DECISION AND ORDER

By this Decision and Order, the commission authorizes JACK'S TOURS, INC. ("Applicant") to extend its authority under certificate of public convenience and necessity number 5609-C ("Certificate No. 5609-C") to include the 1-to-7, 8-to-25, and over-25 passenger classifications on the islands of Kauai, Oahu, and Maui, 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, 8-to-25, and over-25 passenger classifications. By application filed on June 27, 2005, and amended on July 7, 2005, July 18, 2005, and July 28, 2005, Applicant seeks commission approval to extend its authority under Certificate No. 5609-C to include the 1-to-7, 8-to-25, and over-25 passenger classifications on the islands of Kauai, Oahu, and Maui.

Applicant served copies of the application on the Hawaii Transportation Association and the Hawaii State Certified Common Carriers Association, Inc., which consist 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 notified the commission that it will not be participating in this docket.

Between August 15, 2005 and August 25, 2005, eight motor carriers (collectively "Movants") filed motions to intervene ("Motions to Intervene").¹ On February 28, 2006, the commission issued Order No. 22301, denying Movants' Motions to Intervene.

On March 13, 2006, one of the Movants, Robert's Tours & Transportation, Inc. ("Robert's"), filed a Motion for Reconsideration of Order No. 22301 ("Motion for Reconsideration"). On April 26, 2006, the commission issued Order No. 22421, denying Robert's Motion for Reconsideration.

¹The following Movants filed Motions to Intervene: (1) PHT, Inc. on August 15, 2005; (2) Akina Aloha Tours, Inc. on August 22, 2005; (3) Akina Bus Service, Ltd. on August 22, 2005; (4) Robert's Tours & Transportation, Inc. on August 22, 2005; (5) Kauai Island Tours, Inc. on August 25, 2005; (6) E Noa Corporation on August 25, 2005; (7) V.I.P. Transportation, Inc. on August 25, 2005; and (8) Polynesian Adventure Tours, Inc. on August 25, 2005.

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 islands of Kauai, Oahu, Maui, and Hawaii (excluding Waipio Valley) in the 1-to-7, 8-to-25, and over-25 passenger classifications.

2. 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 providing the location of its baseyards on the islands of Kauai, Oahu, and Maui.

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

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 22471 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

JEFF MIYASHIRO, PRESIDENT
JACK'S TOURS, INC.
737 Kanoelehua Avenue
Hilo, HI 96720

CLIFFORD K. HIGA, ESQ.
BRUCE NAKAMURA, ESQ.
KOBAYASHI SUGITA & GODA
999 Bishop Street, Suite 2600
Honolulu, HI 96813

Attorneys for JACK'S TOURS, INC.

Karen Higashi
for _____
Karen Higashi

DATED: MAY 18 2006