

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of)  
ISLAND TRANSPORTER LLC )  
For Temporary Common Carrier )  
Authority. )  
\_\_\_\_\_ )

DOCKET NO. 2006-0113

DECISION AND ORDER NO. 22503

Filed June 1, 2006  
At 11 o'clock A.M.

Karen Higashi  
Chief Clerk of the Commission

RECEIVED

2006 JUN -5 A 8:42

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

ATTEST: A True Copy  
KAREN HIGASHI  
Chief Clerk, Public Utilities  
Commission, State of Hawaii.

K. Higashi



Division of Consumer Advocacy, Department of Commerce and Consumer Affairs.

## II.

### Findings and Conclusions

For a grant of temporary operating authority pursuant to HRS § 271-16, an applicant must satisfy two conditions. First, the applicant must establish that there is "an immediate and urgent need" for the proposed service. Second, the applicant must demonstrate "[an] absence of carrier service capable of meeting the need between points or in the territory where the temporary service will be instituted." See In re Robert's Tours & Transportation, Inc., Docket No. 96-0437, Decision and Order No. 15274, filed on December 23, 1996. Moreover, the commission may, at its discretion, grant temporary authority without hearings or other proceedings. HRS § 271-16.

Applicant proposes to provide transportation services for Oahu's North Shore community, particularly Brigham Young University-Hawaii ("BYU-H"), Turtle Bay Resort, and the Polynesian Cultural Center. Applicant represents that BYU-H has an immediate and urgent need for its proposed service, as BYU-H cannot provide or find adequate transportation service for its (1) students arriving and departing from the airport during semester breaks (the biggest group of departures will take place in June), (2) students that are stranded in Honolulu and Waikiki during hours when the buses stop running, and (3) students requiring transportation to town for doctor's appointments. The

lack of available transportation service has often caused students to be stranded or forced to wait for long periods of time until a pick-up can be arranged (See letter of support from Philip Relator, Assistant Director, Physical Plant, BYU-H).

Upon review, we find that Applicant meets the criteria for temporary authority set forth in HRS § 271-16. First, its service is immediately and urgently needed by BYU-H, as set forth above, and, second, it appears that there are no other carriers available to meet the transportation needs of BYU-H. We, thus, conclude that Applicant's request for temporary operating authority should be granted without hearings or other proceedings in this docket.

Pursuant to HRS § 271-16, the commission may grant temporary authority to an applicant for no more than one hundred and twenty (120) days. We conclude, therefore, that since Applicant satisfied the requirements for a grant of temporary authority pursuant to HRS § 271-16, it should be granted temporary authority for a period of one hundred twenty (120) days.

### III.

#### Orders

##### THE COMMISSION ORDERS:

1. Applicant is granted temporary authority to operate as a common carrier of passengers by motor vehicle over irregular routes on the island of Oahu in the 8-to-25 passenger classification. The temporary authority shall be valid for no

more than one hundred twenty (120) days from the date of this Decision and Order, in accordance with HRS § 271-16. However, the temporary authority may be terminated for good cause, including, but not limited to, Applicant's failure to comply with the motor carrier laws or the commission's rules or orders.

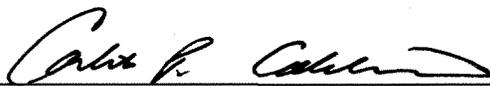
2. Applicant shall comply with all of the commission's requirements for common carriers by motor vehicle including, but not limited to, paying a fee of \$20 for motor carrier gross revenues and filing the appropriate insurance documents.

3. Applicant shall comply with the foregoing requirements within fifteen (15) 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 JUN - 1 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:

  
Stacey Kawasaki Djou  
Commission Counsel

2006-0113.et

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 22503 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

WALFORD F. LOLOFIE  
ISLAND TRANSPORTER LLC  
55-706 Wahinepee Street  
Laie, HI 96762

  
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Karen Higashi

DATED: JUN - 1 2006