

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

-----In the Matter of-----
)
)
AKINA ALOHA TOURS, INC., a Hawaii)
corporation, and AKINA BUS SERVICE,)
LTD., a Hawaii corporation,)
Complainants,)
)
vs.)
)
ROBERT'S HAWAII, INC., a Hawaii)
corporation, and ROBERT'S TOURS AND)
TRANSPORTATION, INC., a Hawaii)
corporation,)
Respondents.)
_____)

DOCKET NO. 03-0397

ORDER NO. 22540

Filed June 20, 2006

At 11 o'clock A .M.

Karen Higashi
Chief Clerk of the Commission

RECEIVED

2006 JUN 21 A 9:24

DIV. 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.

for

Sharon R. Luaces

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

-----In the Matter of-----)
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AKINA ALOHA TOURS, INC., a Hawaii) Docket No. 03-0397
corporation, and AKINA BUS SERVICE,)
LTD., a Hawaii corporation,) Order No. 22540
Complainants,)
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ROBERT'S HAWAII, INC., a Hawaii)
corporation, and ROBERT'S TOURS AND)
TRANSPORTATION, INC., a Hawaii)
corporation,)
Respondents.)
_____)

ORDER

By this Order, the commission grants the motion for stay of Order No. 22489, filed by ROBERT'S HAWAII, INC. and ROBERT'S TOURS & TRANSPORTATION, INC. (collectively, "Robert's") on June 5, 2006.

I.

Introduction

In Order No. 22489, issued on May 26, 2006, the commission denied the motions for reconsideration filed by Robert's and AKINA ALOHA TOURS, INC. and AKINA BUS SERVICE, LTD. (collectively, "Akina"), and ordered Robert's to immediately cease and desist the operation of a service known as the "Employee Shuttle." Order No. 22489 at 7.

Robert's, by letter filed on June 5, 2006, requests a stay of Order No. 22489, pursuant to Hawaii Administrative Rules § 6-61-41.¹

Robert's requests that Order No. 22489 be stayed for a number of reasons:

1. The Employee Shuttle provided by Robert's is the sole means of transportation for a bus load of hotel employees who are transported daily between Kahului and certain hotels in the West Maui area, including Kaanapali and Kapalua.
2. On July 1, 2006, the transportation service provided by the Employee Shuttle will be provided by the County of Maui under its Public Transit System.
3. Complainants Akina Aloha Tours, Inc. and Akina Bus Service, Ltd. are not prepared to provide the shuttle service for such a short period of time which amounts to less than one month.
4. Robert's is in a position to continue, and is prepared, to operate its Employee Shuttle through June 30, 2006.
5. The stay of the Order will allow Robert's to continue to operate its Employee Shuttle up until the time when the County of Maui takes over the program, thus ensuring the hotel employees continued uninterrupted service.

Motion at 1-2.

¹Letter from George Kahanu, Jr., Project Manager, Robert's Tours and Transportation, Inc. (Jun. 5, 2006) ("Robert's Motion"). Robert's served copies of its Motion upon Akina and the Division of Consumer Advocacy, Department of Commerce and Consumer Affairs ("Consumer Advocate").

The commission confirmed that: 1) Akina is unable, due to business reasons, operate a similar Employee Shuttle; and 2) Akina does not object to Robert's request for stay of Order No. 22489 during telephone conferences on June 2, 5, and 6, 2006 between Sandra Akina, Vice President, Akina Aloha Tours, Inc. and Catherine Awakuni, Commission Counsel.

In light of the anticipated commencement of the County's transit system and Akina's inability to operate a shuttle for a matter of a few weeks, Robert's compliance with Order No. 22489 to immediately cease and desist the operation of the Employee Shuttle would serve only to eliminate the sole source of transportation for a number of hotel employees who must travel a significant distance to their workplaces. The commission, therefore, finds it in the public interest to allow Robert's to provide the Employee Shuttle until the commencement of the County of Maui's transit system on July 1, 2006, and grants Robert's Motion. Robert's shall provide the commission, the Division of Consumer Advocacy, and Akina with notice of the cessation of the Employee Shuttle within two weeks of such cessation of services.

II.

Order

THE COMMISSION ORDERS:

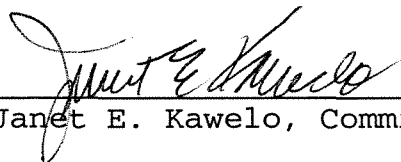
1. Robert's motion for stay of Order No. 22489, filed on June 5, 2006, is granted.
2. Robert's shall provide the commission, the Division of Consumer Advocacy, and Akina with notice of the cessation of the Employee Shuttle within two weeks of such cessation of services.

DONE at Honolulu, Hawaii JUN 20 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:


Catherine P. Awakuni
Commission Counsel

03-0397.et

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 22540 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

AKINA ALOHA TOURS, INC. and
AKINA BUS TOURS, LTD.
P. O. Box 933
Kihei, HI 96753

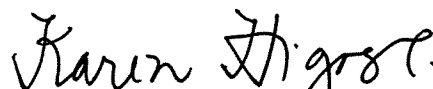
JAMES RICHARD McCARTY, ESQ
McCARTY LAW OFFICE
2530 Kekaa Drive, Suite B-6
Lahaina, HI 96761

Counsel for Akina Aloha Tours, Inc. and Akina Bus Tours, Ltd.

RUBY A. HAMILI, ESQ.
P. O. Box 1381
Makawao, HI 96783

Counsel for Akina Aloha Tours, Inc. and Akina Bus Tours, Ltd.

ROBERT'S HAWAII, INC. and
ROBERT'S TOURS & TRANSPORTATION, INC.
680 Iwilei Road, Suite 700
Honolulu, HI 96817



Karen Higashi

DATED: JUN 20 2006