

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

----- In the Matter of ----- )  
 )  
MARC FRIEZNER, dba )  
ALOHA BICYCLE TOURS )  
 )  
Notice of Failure to Comply )  
With Hawaii Revised Statutes )  
and Commission's Regulations; )  
Order to Show Cause Why )  
Respondent's Operating )  
Authority Should Not Be )  
Suspended or Revoked. )  
\_\_\_\_\_ )

DOCKET NO. 2006-0251

ORDER NO. 22779

Filed August 22, 2006  
At 11 o'clock A.M.

Karen Higrot.  
Chief Clerk of the Commission

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

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Docket No. 2006-0251  
Order No. 22779

NOTICE OF VIOLATION, ORDER TO SHOW CAUSE, AND NOTICE OF HEARING

MARC FRIEZNER, dba ALOHA BICYCLE TOURS ("Respondent"), is the holder of a certificate of public convenience and necessity ("Certificate"), issued pursuant to Hawaii Revised Statutes ("HRS") § 271-12. Under Certificate No. 4809-C, Respondent is authorized to transport passengers by motor vehicle in the 8-to-25 passenger classification over irregular routes on the island of Maui, limited to providing transportation services in conjunction with its bicycle tours from Kula to Haleakala National Park and Ulupalakua.

On April 19, 2006, Respondent was issued Citation No. 0899, with an accompanying civil penalty of \$1,000.00. Since Respondent did not pay the citation within fifteen (15) days of receipt of the citation or request a contested hearing on the citation within twenty (20) days of receipt of the citation, the citation was deemed to be a final

order of the commission, pursuant to Hawaii Administrative Rules ("HAR") § 6-68-21(f)(1). The commission sent bills for collection to Respondent on June 14, 2004 and July 7, 2004, requesting payment of the penalty. Respondent has not complied with the commission's order by failing to pay the penalty imposed by the commission.

HRS § 271-19 and HAR § 6-68-32(b) authorize the commission, after notice and hearing, to suspend or revoke any Certificate, in part or in whole, if the commission finds that the holder violated any provision of HRS chapter 271. Accordingly, the commission may suspend or revoke Respondent's Certificate for failure to comply with the legal requirements set forth above, unless Respondent is able to show cause why such suspension or revocation should not occur.

THE COMMISSION ORDERS:

1. Respondent shall appear at 465 South King Street, Room B3, Honolulu, Hawaii 96813, at 9:00 a.m., on September 27, 2006, to show cause why Respondent's Certificate should not be suspended or revoked for failure to comply with the legal requirements set forth in this order.

2. Respondent may be represented by counsel. If Respondent does not retain counsel, Respondent may be represented at the hearing as follows: (a) an individual may appear on his or her own behalf; (b) a partner may represent a partnership; and (c) an officer or authorized employee of a corporation, trust, or association may represent the corporation, trust, or association.

3. If Respondent fails to appear at the scheduled hearing, Respondent's Certificate shall be revoked.

DONE at Honolulu, Hawaii AUG 22 2006.

PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By: *Carlito P. Caliboso*  
Carlito P. Caliboso, Chairman

By: *John E. Cole*  
John E. Cole, Commissioner

APPROVED AS TO FORM:

*Stacey Kawasaki Djou*  
Stacey Kawasaki Djou  
Commission Counsel

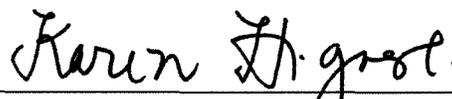
2006-0251.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 22779 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

MARC FRIEZNER, dba  
ALOHA BICYCLE TOURS  
P. O. Box 455  
Kula, HI 96790 (CM #7006 0100 0002 0376 0260)

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

DATED: AUG 22 2006