

routes on the island of Oahu in the over-25 passenger classification, limited to providing service in the geographical zone extending from Kahala to the Ala Moana Shopping Center) to Transferee and surrendering the irregular route service portion of its authority (authority to transport passengers by motor vehicle over irregular routes on the island of Oahu in the 1-to-7, 8-to-25, and over-25 passenger classifications); (2) to bifurcate certificate of public convenience and necessity number 4536-C ("Certificate No. 4536-C"), held by THM, by transferring the regular route service portion of its authority (authority to transport passengers by motor vehicle over regular routes on the island of Maui in the (a) over-25 passenger classification, and (b) 8-to-25 passenger classification, limited to providing airport shuttle service between Kahului Airport and established points in Kaanapali and Lahaina) to Transferee and surrendering the irregular route service portion of its authority (authority to transport passengers by motor vehicle over irregular routes on the island of Maui in the 1-to-7, 8-to-25, and over-25 passenger classifications); (3) to bifurcate certificate of public convenience and necessity number 3534-C ("Certificate No. 3534-C"), held by THK, by transferring the regular route service portion of its authority (authority to transport passengers by motor vehicle over regular routes on the island of Kauai in the 1-to-7, 8-to-25, and over-25 passenger classifications) to Transferee and surrendering the irregular route service portion of its authority (authority to transport passengers by motor vehicle over irregular routes on the island

of Kauai in the 1-to-7, 8-to-25, and over-25 passenger classifications); (4) to bifurcate certificate of public convenience and necessity number 5673-C ("Certificate No. 5673-C"), held by THH, by transferring the regular route service portion of its authority (authority to transport passengers over regular routes on the island of Hawaii in the 1-to-7, 8-to-25, and over-25 passenger classifications, limited to providing service between the Kona and Kohala areas) to Transferee and surrendering the irregular route service portion of its authority (authority to transport passengers by motor vehicle over irregular routes on the island of Hawaii, excluding Waipio Valley, in the 1-to-7 and 8-to-25 passenger classifications, limited to utilizing motor vehicles with a maximum manufacturer's seating capacity of 17 passengers); and (5) to surrender Permit No. 5816-P,¹ held by THH.

Transferor 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 the proposed transfer, 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.

¹Permit No. 5816-P authorizes THH to transport military personnel and their baggage over irregular routes on the island of Hawaii in the 1-to-7, 8-to-25, and over-25 passenger classifications, pursuant to a contract with the U.S. Army.

II.

Findings and Conclusions

Upon review of Transferors' application, the commission finds that Transferee is fit, willing, and able to perform the regular route services once performed by Transferors, and that the proposed transfer of regular route authorities is just and reasonable and will be consistent with the public interest. Accordingly, the commission concludes that the proposed transfer is in accordance with HRS § 271-18, and should, therefore, be approved.

Furthermore, pursuant to HRS § 271-19, a certificate of public convenience and necessity or permit may be terminated, in whole or in part, upon application of the holder. The commission finds good cause to grant Transferors' request to surrender the irregular route service authorities granted in Certificate Nos. 822-C, 4536-C, 3534-C, and 5673-C, and Permit No. 5816-P.

III.

Orders

THE COMMISSION ORDERS:

1. Transferors' application to transfer the regular route service authorities granted in Certificate Nos. 822-C, 4536-C, 3534-C, and 5673-C, to Transferee is approved.

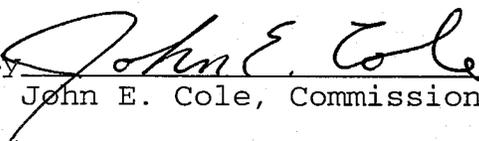
2. Transferors' authority to transport passengers by motor vehicle over irregular routes pursuant to Certificate Nos. 822-C, 4536-C, 3534-C, 5673-C, and Permit No. 5816-P, is terminated.

3. Transferee shall file a tariff that complies with Hawaii Administrative Rules chapter 6-63. Transferee's tariff shall state the rates, schedules, and routes for all regular route service transferred to Transferee pursuant to this Decision and Order. Transferee shall file a tariff amendment whenever any new route is added within the geographical service area, or an existing route is discontinued or modified. Transferee is authorized to deviate occasionally from the route described in its tariff to accommodate customer requirements for a maximum of thirty (30) days. If the deviation continues for more than thirty (30) days, the route shall be deemed modified and Transferee must amend the route and schedule in its tariff to reflect the modification.

DONE at Honolulu, Hawaii OCT 12 2006.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
John E. Cole, Commissioner

APPROVED AS TO FORM:


for Stacey Kawasaki Djou
Commission Counsel

2006-0163.sl

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 22935 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

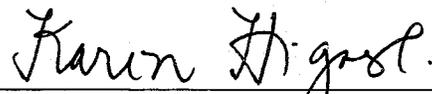
CATHERINE P. AWAKUNI
EXECUTIVE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
P. O. Box 541
Honolulu, HI 96809

TRANS HAWAIIAN - OAHU, INC.
TRANS HAWAIIAN - MAUI, INC.
TRANS HAWAIIAN - KAUAI, INC.
TRANS HAWAIIAN - HAWAII, INC.
c/o JOHN R. CANDON, CHAPTER 7 TRUSTEE
1001 Bishop Street, Suite 955
Honolulu, HI 96813

GEORGE KAHANU, JR.
ROBERT'S TOURS & TRANSPORTATION, INC.
680 Iwilei Road, Suite 700
Honolulu, HI 96817

WILLIAM W. MILKS, ESQ.
1001 Bishop Street, Suite 977
Honolulu, HI 96813

Counsel for ROBERT'S TOURS & TRANSPORTATION, INC.



Karen Higashi

DATED: OCT 12 2006