

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

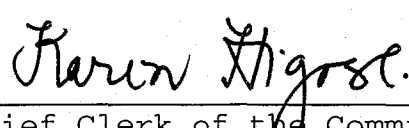
In the Matter of the Application of
)
 THE RESEARCH CORPORATION OF THE)
 UNIVERSITY OF HAWAI'I, dba)
 'IMILOA ASTRONOMY CENTER OF HAWAI'I)
)
 For Temporary and Permanent Common)
 Carrier Authority.)
 _____)

DOCKET NO. 2006-0427

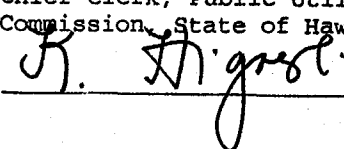
INTERIM DECISION AND ORDER NO. 23021

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

Filed Nov. 9, 2006
 At 2 o'clock P.M.



 Chief Clerk of the Commission

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


routes on the island of Hawaii in the 8-to-25 passenger classification, limited to utilizing motor vehicles with a maximum manufacturer's seating capacity of 15 passengers, and further limited to providing transportation services between Hilo Harbor, the Banyan Drive resorts, and 'Imiloa. The application is made pursuant to Hawaii Revised Statutes ("HRS") §§ 271-12 and 271-16. This Interim Decision and Order will address Applicant's request for temporary authority.

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., Decision and Order No. 15274, Docket No. 96-0437 (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 a complete transportation/tour package which would include roundtrip transportation from various locations in Hilo to 'Imiloa, an escorted tour by a specialist guide while at 'Imiloa, and the planetarium show. Other tour options would also be available,

including lunch, a special garden tour, and hands-on workshops. Applicant represents that there is an immediate and urgent need for Applicant's proposed service, as there is currently no other motor carrier providing guided tours to 'Imiloa, despite the fact that 'Imiloa has been open to the public since February 23, 2006. The proposed tour would increase the number of visitors to 'Imiloa, which would in turn would enhance the reputation of the 'Imiloa experience, spread information about 'Imiloa's programs, and generate additional revenue to support and sustain 'Imiloa's unique educational program for modern astronomy and Hawaiian cultural traditions.

Upon review, the commission finds that Applicant meets the criteria for temporary authority set forth in HRS § 271-16, and, thus, concludes that Applicant's request for temporary authority should be granted.

Pursuant to HRS § 271-16, the commission may grant temporary authority to an applicant for no more than one hundred and twenty (120) days. The commission concludes, 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 Hawaii in the 8-to-25 passenger classification, limited to utilizing motor vehicles with a maximum manufacturer's seating capacity of 15 passengers, and further limited to providing transportation services between Hilo Harbor, the Banyan Drive resorts, and 'Imiloa. The temporary authority shall be valid for no more than one hundred twenty (120) days from the date of this Interim 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.

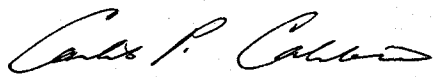
2. Applicant shall comply with all of the commission's requirements for common carriers by motor vehicle including, but not limited to, paying a fee of \$20 for motor carrier gross revenues and providing copies of its motor vehicles' Certificates of Registration.

3. Applicant shall comply with the foregoing requirements within fifteen (15) days after service of this Interim Decision and Order. Failure to comply within the time specified constitutes cause for this commission to vacate this Interim Decision and Order.

4. Applicant shall not commence operations under this Interim Decision and Order until it has received written confirmation from the commission that all requirements have been met.

DONE at Honolulu, Hawaii NOV - 9 2006.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
John E. Cole, Commissioner

APPROVED AS TO FORM:


Stacey Kawasaki Djou
Commission Counsel


2006-0427.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Interim Decision and Order No. 23021 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
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Karen Higashi

DATED: NOV - 9 2006