

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Request of)
)
KHALED D. SALAMEH, dba)
MAHALO TRANS AND TOUR)
)
To Reactivate Motor Carrier)
Certificate No. 1491-C)

DOCKET NO. 05-0283

In the Matter of the Application of)
)
KHALED D. SALAMEH, dba)
MAHALO TRANS AND TOUR)
)
For Extension of Motor Carrier)
Certificate.)

DOCKET NO. 2006-0342

(CONSOLIDATED)

DECISION AND ORDER NO. 23090

Filed Nov. 30, 2006
At 2 o'clock P.M.

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

2006 DEC - 1 A 8:48

RECEIVED

Karen Higashi
Chief Clerk of the Commission

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

K. Higashi

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Request of)	
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KHALED D. SALAMEH, dba)	Docket No. 05-0283
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MAHALO TRANS AND TOUR)	(Consolidated)
)	
For Extension of Motor Carrier)	Decision and Order No. 23090
Certificate.)	
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DECISION AND ORDER

By this Decision and Order, the commission reactivates certificate of public convenience and necessity number 1491-C ("Certificate No. 1491-C"), held by KHALED D. SALAMEH, dba MAHALO TRANS & TOUR ("Petitioner"), and extends the authority under Certificate No. 1491-C to include the 1-to-7 passenger classification, subject to certain conditions, as described herein.

I.

Application

On August 23, 2006, Petitioner filed a request seeking commission approval to reactivate Certificate No. 1491-C. By Order No. 22185, filed on December 12, 2005, in

Docket No. 05-0283, Certificate No. 1491-C was placed on inactive status until December 11, 2006.

On August 23, 2006, Petitioner also filed an application in Docket No. 2006-0203 seeking commission approval to extend his authority under Certificate No. 1491-C to include the 1-to-7 passenger classification. Petitioner is presently authorized to transport passengers by motor vehicle over irregular routes on the island of Oahu in the 8-to-25 passenger classification, limited to utilizing motor vehicles with a maximum manufacturer's seating capacity of 15 passengers.

Petitioner served copies of the application on the Hawaii Transportation Association, which consists 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.

II.

Consolidation

Hawaii Administrative Rules ("HAR") § 6-61-39 provides that the commission, upon its own initiative, may consolidate two or more proceedings that involve related questions of fact or law if it finds that the consolidation will be conducive to the proper dispatch of its business and to the ends of justice, and will not unduly delay the proceedings.

Upon review of the record, we find that Docket Nos. 05-0283 and 2006-0342 involve related questions of

2006-0342

fact and law. We also find that the consolidation of these proceedings will be conducive to the proper dispatch of the commission's business and the ends of justice, and will not unduly delay these proceedings.

Based on the foregoing, we conclude that Docket Nos. 05-0283 and 2006-0342 should be consolidated.

III.

Findings and Conclusions

At the outset, we find that there is good cause to grant Petitioner's request to reactivate Certificate No. 1491-C, pursuant to Hawaii Revised Statutes ("HRS") § 271-19. Petitioner also seeks commission approval to extend his authority under Certificate No. 1491-C to include the 1-to-7 passenger classification. Upon review of Petitioner's application, we find that Petitioner is fit, willing, and able to perform the proposed service, and to conform to HRS chapter 271 and the requirements and rules of the commission. We also find that the proposed service is required by the present and future public convenience and necessity. Accordingly, we conclude that Petitioner's request for an extension of his authority should be granted.

III.

Orders

THE COMMISSION ORDERS:

1. Docket Nos. 05-0283 and 2006-0342 are consolidated, pursuant to HAR § 6-61-39.

2. Certificate No. 1491-C is reactivated, effective from the date of this Decision and Order.

3. Petitioner's application to extend his authority under Certificate No. 1491-C is approved. Petitioner is authorized to operate as a common carrier of passengers by motor vehicle over irregular routes on the island of Oahu in the (1) 1-to-7 passenger classification, and (2) 8-to-25 passenger classification, limited to utilizing motor vehicles with a maximum manufacturer's seating capacity of 15 passengers.

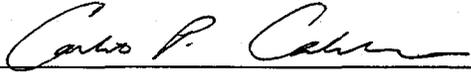
4. Petitioner shall comply with all of the commission's requirements for common carriers by motor vehicle including, but not limited to, filing a lawful tariff and filing the appropriate insurance documents.

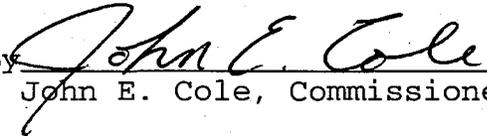
5. Petitioner shall comply with the foregoing requirements within one hundred and twenty (120) days after service of this Decision and Order. Failure to comply within the time specified constitutes cause for this commission to vacate this Decision and Order.

6. Petitioner shall not commence operations in the 1-to-7 passenger classification until he has received written confirmation from the commission that all requirements have been met.

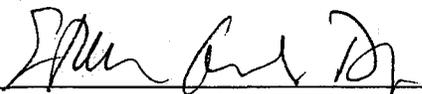
DONE at Honolulu, Hawaii NOV 30 2006.

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

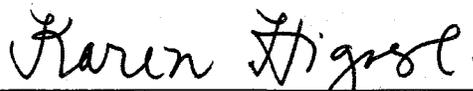
2006-0342.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 23090 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

KHALED D. SALAMEH, dba
MAHALO TRANS AND TOUR
P. O. Box 29342
Honolulu, HI 96820



Karen Higashi

DATED: NOV 30 2006