

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
)
 ISLAND SHUTTLE SERVICE, INC.)
)
 For Temporary Common Carrier)
 Authority.)
 _____)

Docket No. 2007-0033

DECISION AND ORDER NO. 23309

Filed March 16, 2007
At 12 o'clock P .M.

Karen Higashi.
Chief Clerk of the Commission

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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.

K. Higashi.

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In the Matter of the Application of)
ISLAND SHUTTLE SERVICE, INC.)
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DECISION AND ORDER

By this Decision and Order, the commission grants ISLAND SHUTTLE SERVICE, INC. ("Applicant") temporary authority to operate as a common carrier of passengers by motor vehicle over irregular routes on the island of Kauai in the 1-to-7 passenger classification, subject to certain conditions, as described herein.

I.

Application for Temporary Common Carrier Authority

By application filed on February 5, 2007, and amended on February 9, 2007 and February 12, 2007, Applicant requests temporary authority to operate as a common carrier of passengers by motor vehicle over irregular routes on the island of Kauai in the 1-to-7 passenger classification. The application is made pursuant to Hawaii Revised Statutes ("HRS") § 271-16.

Applicant served copies of the application on the Hawaii Transportation Association, which consists of carriers that may be affected by Applicant's proposed service, and on the

Division of Consumer Advocacy, Department of Commerce and Consumer Affairs.

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., Docket No. 96-0437, Decision and Order No. 15274 (December 23, 1996). Moreover, the commission may, at its discretion, grant temporary authority without hearings or other proceedings. HRS § 271-16.

Upon review, we find that Applicant meets the criteria for temporary authority as set forth in HRS § 271-16. Applicant represents that the State of Hawaii ("State") Department of Land and Natural Resources ("DLNR") is in the process of requiring all commercial operators working in the waters of the State to transport their customers to and from their places of activity in an effort to alleviate traffic congestion and parking problems at these activity sites. As many of these commercial operators do not have current authorization from the commission to transport their customers, Applicant proposes to provide shuttle services

for these companies. As the above DLNR requirement is imminent, Applicant's proposed service is immediately and urgently needed.

Applicant also states that it is the only motor carrier that can provide the proposed services. Applicant maintains that although there are other shuttle services on the island of Kauai, (1) most of these services are not available to companies that would need a set pick up and drop off on a daily basis, (2) many are not able to transport high pressure cylinders and other specialized equipment which require special handling, and (3) many will not take passengers, or would charge more for passengers, who would introduce sand and sea water into their vehicles.

Pursuant to HRS § 271-16, the commission may grant temporary authority to an applicant for no more than one hundred and twenty (120) days. We conclude, 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 Kauai in the 1-to-7 passenger classification. The temporary authority shall be valid for no

more than one hundred twenty (120) days from the date of this 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.

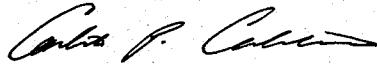
2. Applicant shall comply with all of the commission's requirements for common carriers by motor vehicle including, but not limited to, paying a fee of \$20 for motor carrier gross revenues and filing the appropriate insurance documents.

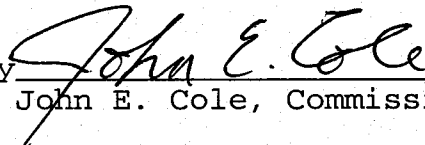
3. Applicant shall comply with the foregoing requirements within fifteen (15) days after service of this Decision and Order. Failure to comply within the time specified constitutes cause for this commission to vacate this Decision and Order.

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

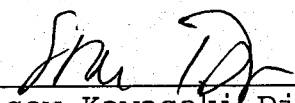
DONE at Honolulu, Hawaii MAR 16 2007.

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

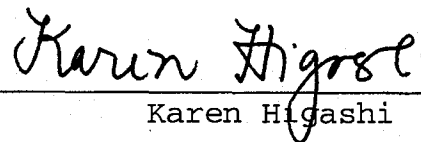
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CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 23309 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

GEORGE THOMPSON, PRESIDENT
ISLAND SHUTTLE SERVICE, INC.
3450 Poipu Road
Koloa, HI 96756



Karen Higashi

DATED: MAR 16 2007