

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
KAUAI MAKAMAE CORPORATION)
For Temporary Common Carrier)
Authority.)

DOCKET NO. 2007-0105

DECISION AND ORDER NO. 23468

RECEIVED

2007 JUN -1 A 10:01

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

Filed May 31, 2007
At 2 o'clock P.M.

Karen Higashi.
Chief Clerk of the Commission

RECEIVED

2007 MAY 32 A 8:46

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.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
 KAUAI MAKAMAE CORPORATION)
For Temporary Common Carrier Authority.)
_____)

Docket No. 2007-0105
Decision and Order No. 23468

DECISION AND ORDER

By this Decision and Order, the commission grants KAUAI MAKAMAE CORPORATION ("Applicant") temporary authority to operate as a common carrier of passengers by motor vehicle over irregular routes on the island of Kauai in the 8-to-25 passenger classification, subject to certain conditions, as described herein.

I.

Application for Temporary Common Carrier Authority

On April 23, 2007, Applicant filed an application requesting temporary authority to operate as a common carrier of passengers by motor vehicle over irregular routes on the island of Kauai in the 8-to-25 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., 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.

Upon review, we find that Applicant meets the criteria for temporary authority set forth in HRS § 271-16. Applicant proposes to provide an arts and crafts shopping tour for visitors who come to the islands to shop, who have limited time, and who want to be directed to the local stores and learn about some history on the way. Applicant represents that its proposed tour is immediately and urgently needed as there is no comparable tour presently being offered on the island of Kauai (See letters of support from Hanapepe Economic Alliance, Aloha-n-Paradise, Aunty Lilikoi Products, Lahapa's Collections Hawaiian Handmade Crafts, and Nakoia Enterprises, Inc., dba Kauai Plantation Store, which confirm Applicant's claim). Additionally, the commission has no knowledge of any other carrier on the island of Kauai that provides a tour similar to the one proposed by Applicant. We, thus, conclude that Applicant's request for temporary authority

should be granted without hearings or other proceedings in this docket.

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 8-to-25 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, filing a lawful tariff, 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 MAY 31 2007 .

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

2007-0105.dhi

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 23468 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

KAUAI MAKAMAE CORPORATION
c/o ERIC INADA
P. O. Box 436
Kalaheo, HI 96741



Karen Higashi

DATED: MAY 31 2007