

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of)  
WAILUA RIVER GUIDES LLC )  
For Temporary Common Carrier )  
Authority. )  
\_\_\_\_\_ )

DOCKET NO. 2007-0337

DECISION AND ORDER NO. 23812

Filed Nov. 7, 2007  
At 12 o'clock P.M.

Karen Higashi  
Chief Clerk of the Commission

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

2007 NOV -9 A 8:56

RECEIVED

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)  
  ) )  
                    WAILUA RIVER GUIDES LLC        ) )  
For Temporary Common Carrier        ) )  
Authority.  ) )  
\_\_\_\_\_

Docket No. 2007-0337  
Decision and Order No. **23812**

DECISION AND ORDER

By this Decision and Order, the commission denies the request of WAILUA RIVER GUIDES LLC ("Applicant") for 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, limited to utilizing motor vehicles with a maximum manufacturer's seating capacity of 15 passengers, and further limited to providing transportation services in conjunction with kayak or other water based activities.

I.

Application for Temporary Common Carrier Authority

On October 11, 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, limited to utilizing motor vehicles with a maximum manufacturer's seating capacity of 15 passengers, and further limited to providing

transportation services in conjunction with kayak or other water based activities. 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.

Based upon our review of the application, we find that Applicant does not meet the criteria for temporary authority set forth in HRS § 271-16. Applicant has not demonstrated that there is an immediate and urgent need for its motor carrier service, nor has it shown that no other motor carrier is able to provide

the motor carrier service proposed by Applicant. Thus, the commission concludes that Applicant's request for temporary authority should be denied.

III.

Orders

THE COMMISSION ORDERS:

1. Applicant's request for 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, limited to utilizing motor vehicles with a maximum manufacturer's seating capacity of 15 passengers, and further limited to providing transportation services in conjunction with kayak or other water based activities, is denied.

2. This docket is closed unless otherwise ordered by the commission.

DONE at Honolulu, Hawaii NOV - 7 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  
2007-0337.sl

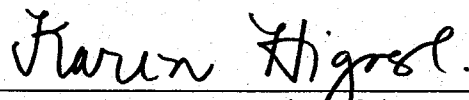
Leslie H. Kondo  
By  
Leslie H. Kondo, Commissioner

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 23812 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

WAILUA RIVER GUIDES LLC  
5683 Ani Street  
Kapaa, HI 96746

  
\_\_\_\_\_  
Karen Higashi

DATED: NOV - 7 2007