

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
SURF & TURF SHUTTLE SERVICE, LLC)
For Extension of Motor Carrier)
Certificate.)
_____)

DOCKET NO. 2007-0240

DECISION AND ORDER NO. 23846

Filed Nov. 20, 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

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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)
SURF & TURF SHUTTLE SERVICE, LLC)
For Extension of Motor Carrier)
Certificate.)
_____)

Docket No. 2007-0240
Decision and Order No. 23846

DECISION AND ORDER

By this Decision and Order, the commission authorizes SURF & TURF SHUTTLE SERVICE, LLC ("Applicant") to extend its authority under certificate of public convenience and necessity number 3566-C ("Certificate No. 3566-C") to include the 1-to-7 passenger classification on the island of Kauai, subject to certain conditions, as described herein.

I.

Application to Extend Common Carrier Authority

Applicant is 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 17 passengers. On August 27, 2007, Applicant filed an application seeking commission approval to extend its authority under Certificate No. 3566-C to include the 1-to-7 passenger classification.

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 ("Consumer Advocate"). The Consumer Advocate did not participate in this proceeding, and no persons moved to intervene in this docket.

II.

Findings and Conclusions

Based upon our review of the record, we find that Applicant is fit, willing, and able to properly perform the proposed service, and to conform to Hawaii Revised Statutes 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 Applicant's request for an extension of its authority should be granted.

III.

Orders

THE COMMISSION ORDERS:

1. Applicant is authorized to operate as a common carrier of passengers by motor vehicle over irregular routes on the island of Kauai 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 17 passengers.

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.

3. Applicant 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.

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

DONE at Honolulu, Hawaii NOV 20 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

By Leslie H. Kondo
Leslie H. Kondo, Commissioner

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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. 23846 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

SURF & TURF SHUTTLE SERVICES, LLC
c/o CAROL RESINTO
P.O. Box 662226
Lihue, HI 96766



Karen Higashi

DATED: NOV 20 2007