BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of
BARRY R. FRIED, dba
OPEN EYE TOURS & PHOTOS
For a Motor Carrier Certificate or
Permit.

DOCKET NO. 2007-0427

DECISION AND ORDER NO. 24118

Filed March 31, 2008
At 10 o’clock A.M.

Karen Higashi
Chief Clerk of the Commission

ATTEST: A True Copy
KAREN HIGASHI
Chief Clerk, Public Utilities
Commission, State of Hawaii
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In the Matter of the Application of)
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OPEN EYE TOURS & PHOTOS
For a Motor Carrier Certificate or)
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Docket No. 2007-0427
Decision and Order No. 24118

DECISION AND ORDER

By this Decision and Order, the commission grants
BARRY R. FRIED, dba OPEN EYE TOURS & PHOTOS ("Applicant"), a
certificate of public convenience and necessity ("Certificate")
to operate as a common carrier of passengers by motor vehicle
over irregular routes on the island of Maui in the
1-to-7 passenger classification, subject to certain conditions,
as described herein.

I.
Application for Common Carrier Authority

On December 31, 2007, Applicant filed an application
requesting a Certificate to operate as a common carrier of
passengers by motor vehicle over irregular routes on the island
of Maui in the 1-to-7 passenger classification. The application
was filed pursuant to Hawaii Revised Statutes ("HRS") § 271-12.

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, the commission finds that Applicant is fit, willing, and able to properly perform the proposed service, and to conform to HRS Chapter 271 and the requirements and rules of the commission. The commission also finds that the proposed service is required by the present and future public convenience and necessity. Accordingly, the commission concludes that Applicant's request for operating authority, as set forth in the application, should be granted.

III.

Orders

THE COMMISSION ORDERS:

1. Applicant is granted a Certificate to operate as a common carrier of passengers by motor vehicle over irregular routes on the island of Maui in the 1-to-7 passenger classification.

2. Within one hundred and twenty (120) days after service of this Decision and Order, Applicant shall:

   a. Complete and submit the enclosed insurance forms: (a) Uniform Motor Carrier Bodily Injury and Property Damage Certificate of Insurance

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(WC-3539), and (b) Uniform Motor Carrier Bodily Injury and Property Damage Liability Endorsement (WC-3538). The forms should include the policy number and be completed and signed by Applicant’s insurance agent or company; or they will be rejected.

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 may constitute cause for this commission to vacate this Decision and Order.

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

DONE at Honolulu, Hawaii MAR 31 2008

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By Carlito P. Caliboso, Chairman

APPROVED AS TO FORM:

By Stacey Kawasaki Djou
Commission Counsel

An explanation of the liability insurance coverage requirements is attached to this Decision and Order.
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 24118 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

BARRY R. FRIED, dba
OPEN EYE TOURS & PHOTOS
P. O. Box 324
Makawao, HI 96768

DATED: MAR 31 2008

Karen Higashi