

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
)
 KIYOTAKA NAKABAYASHI, dba)
 KONA LIMOUSINE SERVICE)
)
 For a Motor Carrier Certificate or)
 Permit.)
 _____)

DOCKET NO. 2008-0030

DECISION AND ORDER NO. 24136

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

2008 APR -9 A 8:31

RECEIVED

Filed April 8, 2008
At 2 o'clock P.M.

Karen Higashi.
Chief Clerk of the Commission

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)
Kiyotaka Nakabayashi, dba)
Kona Limousine Service)
For a Motor Carrier Certificate or)
Permit.)
_____)

Docket No. 2008-0030
Decision and Order No. 24136

DECISION AND ORDER

By this Decision and Order, the commission grants Kiyotaka Nakabayashi, dba Kona Limousine Service ("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 Hawaii, excluding Waipio Valley, 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 15 passengers, and subject to certain conditions, as described herein.

I.

Application for Common Carrier Authority

On February 13, 2008, 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 Hawaii, excluding Waipio Valley, 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 15 passengers. 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 Hawaii, excluding Waipio Valley, 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 15 passengers.

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 (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.¹

b. File a tariff in accordance with Hawaii Administrative Rules, Chapter 6-63.

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.

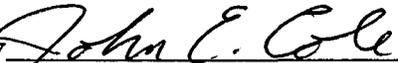
4. Applicant shall not commence operations under this Decision and Order until he has received written confirmation from the commission that all requirements have been met.

¹An explanation of the liability insurance coverage requirements is attached to this Decision and Order.

DONE at Honolulu, Hawaii APR - 8 2008.

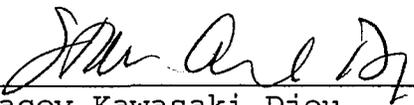
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
John E. Cole, Commissioner

By 
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:


Stacey Kawasaki Djou
Commission Counsel

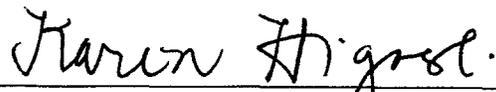
2008-0030,cp

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 24136 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

KIYOTAKA NAKABAYASHI, dba
KONA LIMOUSINE SERVICE
74-5533 Luhia Street, B1A, #534
Kailua-Kona, HI 96740



Karen Higashi

DATED: APR - 8 2008