

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
LUANA LIMOUSINE SERVICE, INC.)
For Extension of Motor Carrier)
Certificate.)
_____)

DOCKET NO. 2008-0254

DECISION AND ORDER

RECEIVED

2009 JAN 13 A 8:29

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

PUBLIC UTILITIES
COMMISSION

2009 JAN 12 A 10:27

FILED

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
LUANA LIMOUSINE SERVICE, INC.)
For Extension of Motor Carrier)
Certificate.)
_____)

Docket No. 2008-0254

DECISION AND ORDER

By this Decision and Order, the commission authorizes LUANA LIMOUSINE SERVICE, INC. ("Applicant") to extend its authority under certificate of public convenience and necessity number 5657-C ("Certificate No. 5657-C") to include the 8-to-25 passenger classification on the island of Hawaii (excluding Waipio Valley), subject to certain conditions, as described herein.

I.

Application to Extend Common Carrier Authority

Applicant is the holder of Certificate No. 5657-C and Permit No. 5817-P. Certificate No. 5657-C authorizes Applicant to transport passengers by motor vehicle as a common carrier over irregular routes on the island of Hawaii, excluding Waipio Valley, in the 1-to-7 passenger classification. Permit No. 5817-P authorizes Applicant to transport passengers by motor vehicle as a contract carrier, pursuant to contracts with the Four Seasons Resort and the Kona Village Resort, over irregular routes on the island of Hawaii, excluding Waipio Valley, in the

8-to-25 passenger classification, limited to utilizing motor vehicles with a maximum manufacturer's seating capacity of 15 passengers. On October 1, 2008, Applicant filed an application seeking commission approval to extend its authority under Certificate No. 5657-C to include the 8-to-25 passenger classification on the island of Hawaii, excluding Waipio Valley.

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 Hawaii Revised Statutes 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 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 Hawaii, excluding Waipio Valley, in the 1-to-7 and 8-to-25 passenger classifications.

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

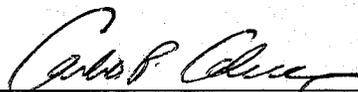
3. Applicant shall comply with the foregoing requirements within one hundred and twenty (120) days after service of this Decision and Order. Failure to comply within the time specified may constitute cause for this commission to vacate this Decision and Order.

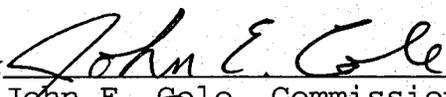
4. Applicant shall not commence operations as a common carrier in the 8-to-25 passenger classification until it has received written confirmation from the commission that all requirements have been met.

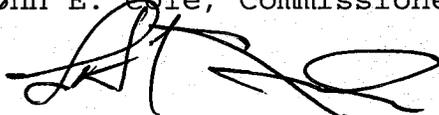
¹An explanation of the liability insurance coverage requirements is attached to this Decision and Order.

DONE at Honolulu, Hawaii JAN 12 2009.

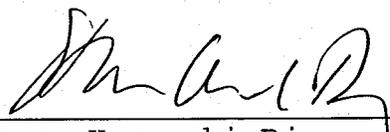
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
John E. Cole, Commissioner


By
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:


Stacey Kawasaki Djou
Commission Counsel

2008-0254.ps

CERTIFICATE OF SERVICE

The foregoing order was served on the date of filing by mail, postage prepaid, and properly addressed to the following parties:

CATHERINE P. AWAKUNI
EXECUTIVE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
P. O. Box 541
Honolulu, HI 96809

MARIA PAGLIA, VICE PRESIDENT
LUANA LIMOUSINE SERVICE, INC.
P. O. Box 2891
Kailua-Kona, HI 96745