

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

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In the Matter of the Application of)
)
 SCOTT TRUONG, dba)
 FANTASY LIMOUSINE)
)
 For Temporary Common Carrier)
 Authority.)
 _____)

DIV. OF CONSUMER ADVOCACY
DEPT. OF COMMERCE AND
CONSUMER AFFAIRS
STATE OF HAWAII
DOCKET NO. 2009-06045AU

DECISION AND ORDER

FILED
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PUBLIC UTILITIES
COMMISSION

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., Decision and Order No. 15274, Docket No. 96-0437 (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 his motor carrier service, nor has he 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 in the 1-to-7 passenger classification over irregular routes on the island of Oahu is denied.

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

DONE at Honolulu, Hawaii MAR - 6 2009.

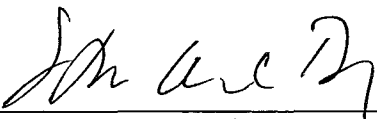
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
John E. Cole, Commissioner

By 
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:


Stacey Kawasaki Djou
Commission Counsel

2009-0045.sl

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
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DIVISION OF CONSUMER ADVOCACY
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