

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of )  
 )  
HAWAII ISLAND-TRANSPORT SERVICES, INC.)  
 )  
For Temporary Contract Carrier )  
Authority. )  
\_\_\_\_\_)

DOCKET NO. 2009-0056

RECEIVED

2009 APR -8 A 10:41

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

DECISION AND ORDER

FILED

2009 APR -7 P 12:07

PUBLIC UTILITIES  
COMMISSION



Applicant served copies of the application on the Hawaii Transportation Association and the Hawaii State Certified Common Carriers Association, Inc., which consist of carriers 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., Docket No. 96-437, Decision and Order No. 15274, (December 23, 1996). Moreover, the commission may, at its discretion, grant temporary authority without hearings or other proceedings. HRS § 271-16.

Upon review, the commission finds that Applicant meets the criteria for temporary authority set forth in HRS § 271-16. First, its service is immediately and urgently needed by HIS. HIS has entered into tour arrangements with groups who will be arriving in Hawaii on April 1, 2009, and HIS desires to include trolley transportation between Iwilei and Diamond Head in these tours. Second, there are no other carriers available to meet the

unique transportation needs of HIS. Applicant is currently providing trolley service for HIS on Guam, and, thus, is the only carrier that can provide the level of expertise required by HIS pertaining to its tour arrangements, packaging, marketing, sales, and management as they relate to trolley transportation.

Pursuant to HRS § 271-16, the commission may grant temporary authority to an applicant for no more than one hundred and twenty (120) days. The commission concludes, therefore, that since Applicant satisfied the requirements for a grant of temporary authority pursuant to HRS § 271-16, it should be granted temporary authority for a period of one hundred twenty (120) days.

### III.

#### Orders

##### THE COMMISSION ORDERS:

1. Applicant is granted temporary authority to transport passengers by motor vehicle, pursuant to a contract with HIS, over irregular routes on the island of Oahu in the over-25 passenger classification, limited to utilizing trolley vehicles, and further limited to the geographical area from, and including, Diamond Head to, and including, Iwilei.

2. Applicant is assigned Permit No. 667-P.<sup>1</sup> The temporary permit will remain in effect for one hundred twenty (120) days from the date of the Decision and Order.

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<sup>1</sup>Instructions for the proper marking of vehicles are attached to this Decision and Order.

DONE at Honolulu, Hawaii APR - 7 2009.

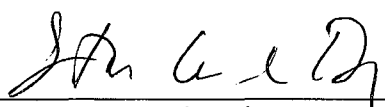
PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Carlito P. Caliboso, Chairman

By   
John E. Cole, Commissioner

By   
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:

  
Stacey Kawasaki Djou  
Commission Counsel

2009-0056.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  
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JASON FUKUDA, PRESIDENT  
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SHAH J. BENTO, ESQ.  
LAW OFFICE OF SHAH J. BENTO LLLC  
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