

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of)  
A.M. TOURS, INC. )  
For Extension of Motor Carrier )  
Certificate. )  
\_\_\_\_\_)

DOCKET NO. 2008-0106

ORDER (1) VACATING THE ORDER FILED ON  
APRIL 3, 2009, AND (2) RESINSTATING AND AMENDING  
THE DECISION AND ORDER FILED ON SEPTEMBER 5, 2008

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

PUBLIC UTILITIES  
COMMISSION

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FILED

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OF THE STATE OF HAWAII

In the Matter of the Application of) )  
A.M. TOURS, INC. ) Docket No. 2008-0106  
For Extension of Motor Carrier )  
Certificate. )  
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ORDER (1) VACATING THE ORDER FILED ON  
APRIL 3, 2009, AND (2) RESINSTATING AND AMENDING  
THE DECISION AND ORDER FILED ON SEPTEMBER 5, 2008

By this Order, the commission vacates the Order filed on April 3, 2009, and reinstates and amends the Decision and Order filed on September 5, 2008, in the matter of A.M. TOURS, INC. ("Petitioner").

I.

Background

On June 5, 2008, Petitioner filed an application seeking commission approval to extend its authority under certificate of public convenience and necessity number 1265-C by (1) removing the 15 passenger seat restriction in the 8-to-25 passenger classification on the islands of Maui and Hawaii, and (2) including the 8-to-25 passenger classification on the island of Kauai. By Decision and Order filed on September 5, 2008, the commission granted Petitioner's request, upon condition that Petitioner file certain required documents with the commission. By Order filed on April 3, 2009, the commission vacated the

Decision and Order filed on September 5, 2008, for Petitioner's failure to comply with the commission's requirements set forth in the Decision and Order.<sup>1</sup>

On April 13, 2009, Petitioner filed a timely motion for reconsideration ("Motion") of the Order filed on April 3, 2009. In its Motion, Petitioner requests that the commission reconsider its Order only in regards to Petitioner's extension of its authority by removing the 15 seat restriction in the 8-to-25 passenger classification on the islands of Maui and Hawaii. Petitioner states that it will relinquish the authority that was granted for the island of Kauai, as it is unable to support operations there due to economic difficulties.

## II.

### Findings and Conclusions

The commission finds that Petitioner has fully complied with the requirements set forth in the Decision and Order filed on September 5, 2008 regarding its extension of authority by removing the 15 seat restriction in the 8-to-25 passenger classification on the islands of Maui and Hawaii, and, thus, finds good cause to reconsider and set aside the Order filed on April 3, 2009. The commission also finds good cause to grant Petitioner's request to surrender the 8-to-25 passenger classification on the island of Kauai, and, thus, will amend the Decision and Order to reflect such surrender of authority.

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<sup>1</sup>Petitioner failed to provide a vehicle inventory list and vehicle registrations for the island of Kauai, and the address of its physical facilities on the island of Kauai.

III.

Orders


THE COMMISSION ORDERS:

1. The Order filed on April 3, 2009, is vacated.
2. The Decision and Order filed on September 5, 2008 is reinstated.
3. Petitioner's request to surrender its authority in the 8-to-25 passenger classification on the island of Kauai is granted.
4. The Decision and Order filed on September 5, 2008 is amended consistent with the terms of this Order. Specifically, ordering paragraph 1 in the Decision and Order is amended as follows:

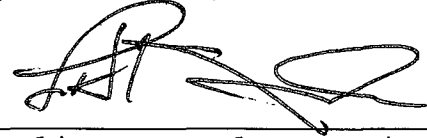
"Applicant is authorized to operate as a common carrier of passengers by motor vehicle over irregular routes (1) on the island of Oahu in the 1-to-7 and 8-to-25 passenger classifications, and (2) on the islands of Maui and Hawaii (excluding Waipio Valley) in the 8-to-25 passenger classification."

DONE at Honolulu, Hawaii APR 23 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:

for   
Stacey Kawasaki Djou  
Commission Counsel

2008-0106.laa

CERTIFICATE OF SERVICE

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

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ARCHIE CHANG, PRESIDENT  
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