

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
DISCOVERY ADVENTURES, LLC, dba)
KO OLINA RESORT TOUR COMPANY)
To Sell, Lease, Assign, Mortgage or)
Otherwise Dispose of, or Encumber)
The Whole or Any Part of Its)
Property, Certificate, or Permit.)

DOCKET NO. 2009-0160

DECISION AND ORDER

RECEIVED

2009 SEP -2 A 9:25

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

PUBLIC UTILITIES
COMMISSION

2009 SEP -1 P 12:10

FILED

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DISCOVERY ADVENTURES, LLC, dba) Docket No. 2009-0160
KO OLINA RESORT TOUR COMPANY)
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To Sell, Lease, Assign, Mortgage or)
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_____)

DECISION AND ORDER

By this Decision and Order, the commission approves the transfer of certificate of public convenience and necessity number 1806-C ("Certificate No. 1806-C") from DISCOVERY ADVENTURES, LLC, dba KO OLINA RESORT TOUR COMPANY ("Transferor"), to KOA TRANSPORTATION LLC ("Transferee"), subject to certain conditions, as described herein.

I.

Application to Transfer Common Carrier Authority

On July 17, 2009, Transferor filed an application seeking commission approval to transfer Certificate No. 1806-C to Transferee, pursuant to Hawaii Revised Statutes ("HRS") § 271-18. Under Certificate No. 1806-C, and pursuant to HRS § 271-12, Transferor is authorized to operate as a common carrier of passengers by motor vehicle over irregular routes on the island of Oahu in the 8-to-25 passenger classification.

Transferor 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 the proposed transfer, 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

Upon review of Transferor's application, the commission finds that Transferee is fit, willing, and able to perform the services presently performed by Transferor, and that the proposed transfer of Certificate No. 1806-C is just and reasonable and will be consistent with the public interest. Accordingly, the commission concludes that the proposed transfer is in accordance with HRS § 271-18, and should, therefore, be approved.

III.

Orders

THE COMMISSION ORDERS:

1. Transferor's application to transfer Certificate No. 1806-C to Transferee is approved.

2. Within one hundred and twenty (120) days after service of this Decision and Order, Transferee 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. Within one hundred and twenty (120) days after service of this Decision and Order, Transferor shall:

a. File its annual financial report for the period of operation from January 1, 2009, to the effective date of this Decision and Order, and pay the associated motor carrier gross revenue fee.

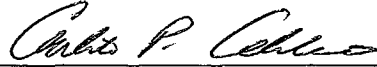
4. Transferor and Transferee shall comply with the foregoing requirements within one hundred and twenty (120) days after service of this Decision and Order. Failure to comply within the time specified may constitute cause for this commission to vacate this Decision and Order.

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

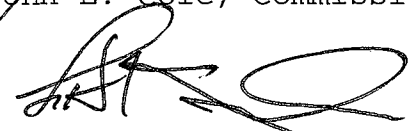
¹An explanation of the liability insurance coverage requirements is attached to this Decision and Order.

DONE at Honolulu, Hawaii SEP - 1 2009.

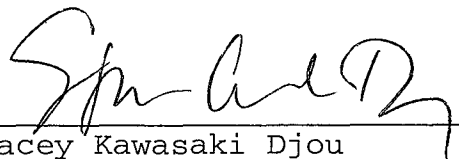
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
John E. Cole, Commissioner

By 
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:


Stacey Kawasaki Djou
Commission Counsel

2009-0160.cp

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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EXECUTIVE DIRECTOR
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DIVISION OF CONSUMER ADVOCACY
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KO OLINA RESORT TOUR COMPANY
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KOA TRANSPORTATION LLC
c/o PETER J. LENHART, ESQ.
PETER J. LENHART, ATTORNEY AT LAW, LLLC
1088 Bishop Street, #907
Honolulu, HI 96813