



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of)	)	
HONOLULU CITY TOUR, LLC	)	Docket No. 2009-0314
	)	
For Temporary Common Carrier	)	
Regular Route Authority.	)	
_____	)	

DECISION AND ORDER

By this Decision and Order, the commission grants HONOLULU CITY TOUR, LLC ("Applicant") temporary authority to operate as a common carrier of passengers by motor vehicle over regular routes on the island of Oahu in the over-25 passenger classification, limited to providing services utilizing open-top double-decker buses, and further limited to providing services in the City of Honolulu. The authority is granted subject to certain conditions, as described herein.

I.

Application for Temporary Common Carrier Regular Route Authority

On October 29, 2009, Applicant filed an application requesting temporary authority to operate as a common carrier of passengers by motor vehicle over regular routes on the island of Oahu in the over-25 passenger classification, limited to providing services utilizing open-top double-decker buses, and further limited to providing services in the City of Honolulu.

The application was filed pursuant to Hawaii Revised Statutes ("HRS") § 271-16.

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. 96-0437, 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. Applicant proposes to provide a regular route service in the City of Honolulu utilizing open-top double-decker buses. Applicant represents that the proposed sightseeing service is unique and will add variety to the tourist services that the City of Honolulu offers. The bus tour will allow tourists an opportunity to get to know the sights and history of the City of Honolulu with the help of a pre-recorded high quality commentary while also providing tourists with exceptional photo opportunities and panoramic views from the open upper deck. Applicant also represents that there is an immediate need for its service as the

economy is in a recession and needs immediate stimulation via consumer consumption, i.e., the proposed service will provide extra incentive to contribute more money to the economy of the State of Hawaii. The commission has no knowledge of any other carrier providing transportation services utilizing open-top double-decker buses.

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 operate as a common carrier of passengers by motor vehicle over regular routes on the island of Oahu in the over-25 passenger classification, limited to providing services utilizing open-top double-decker buses, and further limited to providing services in the City of Honolulu. The temporary authority shall be valid for no more than one hundred twenty (120) days from the date of this Decision and Order, in accordance with HRS § 271-16. However, the temporary authority may be terminated for good cause,

including, but not limited to, Applicant's failure to comply with the motor carrier laws or the commission's rules or orders.

2. Within fifteen (15) 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.<sup>1</sup>
- b. Amend its tariff to include the route and time schedule. Applicant shall revise its tariff whenever any new route is added, or if an existing route is discontinued or modified.
- c. Provide the address of its physical facilities or base yard.
- d. Complete and submit the enclosed "Vehicle Inventory List" form. Applicant shall list all vehicles that it intends to use in the proposed operation. The vehicles utilized must be registered under the name of the limited liability company. If Applicant chooses to lease any vehicle, it is required to complete and submit a "Motor Vehicle Equipment Lease" form. The form is available on the commission's website at [www.hawaii.gov/budget/puc](http://www.hawaii.gov/budget/puc). The vehicles utilized must comply with the safety requirements of the Motor Vehicle Safety Office, Department of Transportation, State of Hawaii.
- e. Submit a copy of the current Certificate of Registration or ownership document for all vehicles listed on the Vehicle Inventory List.

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

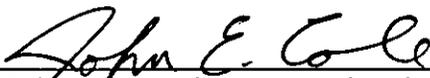
3. Applicant shall comply with the foregoing requirements within fifteen (15) days after service of this Decision and Order. Failure to comply within the time specified may constitute cause for this commission to vacate this Decision and Order.

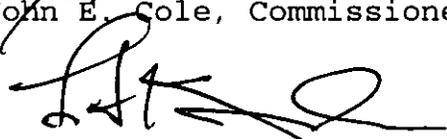
4. Applicant shall not commence operations under this Decision and Order until it has received written confirmation from the commission that all requirements have been met.

DONE at Honolulu, Hawaii NOV 13 2009.

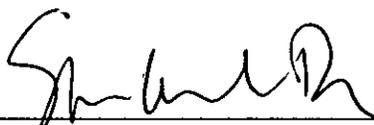
PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Carlito P. Caliboso, Chairman

By   
John E. Cole, Commissioner

By   
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:

  
Stacey Kawasaki Djou  
Commission Counsel

2009-0314.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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DIVISION OF CONSUMER ADVOCACY  
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