BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of

HARMONY CHING, dba
KAUAI HISTORICAL TOURS

To Sell, Lease, Assign, Mortgage or)
Otherwise Dispose of, or Encumber )
The Whole or Any Part of Its )
Property, Certificate, or Permit. )

DECISION AND ORDER NO. 20040

Filed Feb. 26, 2003
At 8:00 o'clock A.M.

Chief Clerk of the Commission

ATTEST: A True Copy
KAREN HIGASHI
Chief Clerk, Public Utilities
Commission, State of Hawaii.
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Docket No. 02-0418
Decision and Order No. 20040

DECISION AND ORDER

I.

On December 11, 2002, HARMONY CHING, dba KAUAI HISTORICAL TOURS (Transferor), filed an application seeking commission approval to transfer certificate of public convenience and necessity number 3548-C (Certificate No. 3548-C) to ROBERT KAORU NAGAO, dba KAUAI OUTDOOR ADVENTURES AND TOURS (Transferee), pursuant to Hawaii Revised Statutes (HRS) § 271-18. Under Certificate No. 3548-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 Kauai in the 8-to-25 passenger classification, limited to utilizing motor vehicles with a maximum manufacturer's seating capacity of 15 passengers.

Transferor served copies of the application on the Hawaii Transportation Association, 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 (Consumer Advocate). By a statement filed on December 17, 2002, the Consumer Advocate indicated that it will not participate in this proceeding. No persons moved to intervene in this docket.

II.

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. 3548-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.

THE COMMISSION ORDERS:

1. Transferor's application to transfer Certificate No. 3548-C to Transferee is approved.

2. Transferee shall comply with all of the commission's requirements for common carriers by motor vehicle including, but not limited to, filing the appropriate insurance documents, paying a fee of $20 for motor carrier gross revenues, registering and marking the appropriate motor vehicles, and complying with the safety requirements of the Motor Vehicle Safety Office, Department of Transportation, State of Hawaii.
3. Transferor shall surrender Certificate No. 3548-C, and an amended certificate reflecting the transfer authorized by this decision and order shall be issued to Transferee.

4. Transferor shall file with the commission her annual financial report for the period of operation from January 1, 2003, to the effective date of this decision and order, and shall pay the associated motor carrier gross revenue fee.

5. Transferor shall file an annual financial report for the calendar year 2002, and pay the associated motor carrier gross revenue fee. The annual financial report and gross revenue fee for the calendar year 2002 must be filed with the commission by April 30, 2003.

6. Transferor and Transferee shall comply with the requirements set forth in this decision and order within 120 days after service of this decision and order. Failure to comply within the time specified constitutes cause for this commission to void this decision and order.

7. Transferee shall not commence operations under this decision and order until he has received written confirmation from the commission that all requirements have been met.
DONE at Honolulu, Hawaii this 26th day of February, 2003.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By Wayne H. Kimura, Chairman

By Janet E. Kawelo, Commissioner

By Gregg J. Kinkley, Commissioner

APPROVED AS TO FORM:

Benedyne S. Stone
Commission Counsel
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 20040 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
P. O. Box 541
Honolulu, HI 96809

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KAUA'I HISTORICAL TOURS
2730 Wawae Road
Kalaheo, HI 96741

ROBERT KAORU NAGAO, dba
KAUA'I OUTDOOR ADVENTURES AND TOURS
3174 Inouye Street
Lihue, HI 96766

DATED: February 26, 2003

Karen Higashi