

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
PETER F. FISHER, dba)
KAYAK WAILUA)
To Sell, Lease, Assign, Mortgage or)
Otherwise Dispose of, or Encumber)
The Whole or Any Part of Its)
Property, Certificate, or Permit.)

DOCKET NO. 03-0060

DECISION AND ORDER NO. 20215

Filed May 30, 2003
At 8:00 o'clock A .M.

Karen Higashi.
Chief Clerk of the Commission

RECEIVED
2003 MAY 30 P 4: 20
DIV. OF CONSUMER ADVOCACY
DEPT. OF COMMERCE AND
CONSUMER AFFAIRS
STATE OF HAWAII

ATTEST: A True Copy
KAREN HIGASHI
Chief Clerk, Public Utilities
Commission, State of Hawaii.
K. Higashi.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

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PETER F. FISHER, dba) Docket No. 03-0060
KAYAK WAILUA)
) Decision and Order No. 20215
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

I.

On March 17, 2003, PETER F. FISHER, dba KAYAK WAILUA (Transferor), filed an application seeking commission approval to transfer its certificate of public convenience and necessity number 3556-C (Certificate No. 3556-C) to KAYAK WAILUA, LLC (Transferee) pursuant to Hawaii Revised Statutes (HRS) § 271-18. Pursuant to Certificate No. 3556-C and 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 providing transportation services in conjunction with kayak tours.

Transferor served copies of the application on the Hawaii Transportation Association, which consists 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 March 18, 2003, 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. 3556-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. 3556-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 a lawful tariff, 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. 3556-C, and an amended certificate reflecting the transfer authorized by this decision and order shall be issued to Transferee.

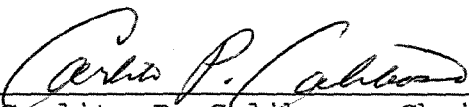
4. Transferor shall file with the commission his annual financial report for the period of operation from January 1, 2003, to the effective date of this decision and order, and shall pay the associated motor carrier gross revenue fee.

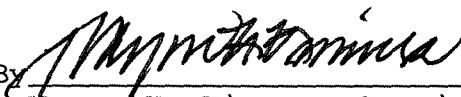
5. Transferor and Transferee shall comply with the requirements set forth in this decision and order within 120 days after service of this decision and order. Failure to comply within the time specified constitutes cause for this commission to void this decision and order.

6. 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.

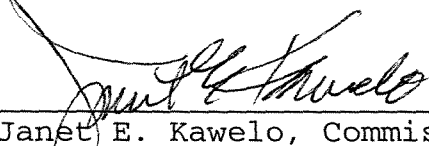
DONE at Honolulu, Hawaii this 30th day of May, 2003.

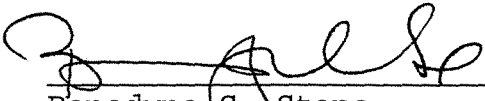
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
Wayne H. Kimura, Commissioner

APPROVED AS TO FORM:

By 
Janet E. Kawelo, Commissioner


Benedyne S. Stone
Commission Counsel

03-0060.eh

CERTIFICATE OF SERVICE


I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 20215 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
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Honolulu, HI 96809

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LORNA A. NISHIMITSU, ESQ.
WALTON D. Y. HONG, A LAW CORPORATION
3135 Akahi Street, Suite A
Lihue, HI 96766



Karen Higashi

DATED: May 30, 2003