BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
ELSWOOD KALEIPONI NOEAU, dba ) DOCKET NO. 03-0179
LEOLANI HAWAIIAN SCENIC TOURS )
& TRAVEL CO. )
For a Motor Carrier Certificate or )
Permit.

DECISION AND ORDER NO. 20570

Filed October 9, 2003
At 12 o'clock p.m.

Brooke K. Nagai
Chief Clerk of the Commission
In the Matter of the Application of)
ELSWOOD KALEIPONI NOEAU, dba )
LEOLANI HAWAIIAN SCENIC TOURS )
& TRAVEL CO. )
) Docket No. 03-0179
) Decision and Order No. 20570
For a Motor Carrier Certificate or )
Permit. )

DECISION AND ORDER

I.

On June 20, 2003, ELSWOOD KALEIPONI NOEAU, dba LEOLANI
HAWAIIAN SCENIC TOURS & TRAVEL CO. ("Applicant") filed an
application requesting a certificate of public convenience and
necessity to operate as a common carrier of passengers by motor
vehicle over irregular routes on the island of Hawaii, excluding
Waipio Valley, in the 8-to-25 passenger classification, limited to
utilizing motor vehicles with a maximum manufacturer’s seating
capacity of 15 passengers. The application is made pursuant to
Hawaii Revised Statutes ("HRS") § 271-12.

Applicant 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"). The Consumer Advocate did not participate
in this proceeding.
On August 27, 2003, Jack's Tours, Inc. ("Jack's Tours") filed a motion to enlarge the time for filing a motion to intervene ("Motion to Enlarge Time") in the instant proceeding. On September 25, 2003, the commission denied Jack's Tours' Motion to Enlarge Time, by Order No. 20467.

II.

Based upon our review of the record, we find that Applicant ± fit, willing, and able to properly perform the proposed service, and to conform to HRS chapter 271 and the requirements and rules of the commission. We also find that the proposed service is required by the present and future public convenience and necessity. Accordingly, we conclude that Applicant's request for operating authority, as set forth in the application, should be granted.

III.

THE COMMISSION ORDERS:

1. Applicant is granted a certificate to operate as a common carrier of passengers by motor vehicle over irregular routes on the island of Hawaii, excluding Waipio Valley, in the 8-to-25 passenger classification, limited to utilizing motor vehicles with a maximum manufacturer's seating capacity of 15 passengers.

2. Applicant shall comply with all of the commission's requirements for common carriers by motor vehicle including, but not limited to, filing a lawful tariff, paying a fee of $20 for
motor carrier gross revenues, and filing the appropriate insurance documents.

3. Applicant shall comply with the foregoing requirements 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.

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 this 9th day of October, 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
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 20570 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

ELSWOOD KALEIPONI NOEAU, dba
LEOLANI HAWAIIAN SCENIC TOURS & TRAVEL CO.
33 Baker Avenue
Hilo, HI 96720

SANDRA-ANN Y.H. WONG, ESQ.
1050 Bishop Street, #514
Honolulu, HI 96813

DATED: October 9, 2003