BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
)
RAYMOND G. FOAT, dba RESORT SHUTTLE)
)
For Extension of Motor Carrier Certificate.
)
)
DOCKET NO. 03-0209

DECISION AND ORDER NO. 20622

Filed Nov. 4, 2003
At 10:30 o’clock A.M.

Karen Higashi
Chief Clerk of the Commission

ATTEST: A True Copy
KAREN HIGASHI
BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

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DECISION AND ORDER

I.

Application to Extend Common Carrier Authority

RAYMOND G. FOAT, dba RESORT SHUTTLE ("Applicant"), is a common carrier of passengers by motor vehicle over irregular routes on the island of Hawaii, excluding Waipio Valley, in the (1) 1-to-7 passenger classification, and (2) 8-to-25 passenger classification, limited to utilizing motor vehicles with a maximum manufacturer's seating capacity of 15 passengers. On July 28, 2003, Applicant filed an application seeking commission approval to extend his authority under certificate of public convenience and necessity number 5680-C ("Certificate No. 5680-C") to include the over-25 passenger classification. Applicant represents that if his authority is extended as requested, he can meet customer demand for motor vehicles with a seating capacity exceeding 25 passengers.

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, and no persons moved to intervene in this docket.

II. Findings and Conclusions

Based upon our review of the record, we find that Applicant is fit, willing, and able to properly perform the proposed service, and to conform to Hawaii Revised Statutes 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 an extension of his authority should be granted.

III. Orders

THE COMMISSION ORDERS:

1. Applicant is authorized to operate as a common carrier of passengers by motor vehicle over irregular routes on the island of Hawaii, excluding Waipio Valley, in the (1) 1-to-7 passenger classification, (2) 8-to-25 passenger classification, limited to utilizing motor vehicles with a maximum manufacturer’s seating capacity of 15 passengers, and (3) over-25 passenger classification.

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2. Applicant shall surrender Certificate No. 5680-C, and an amended certificate reflecting the operating authority granted by this decision and order shall be issued.

3. Applicant 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.

4. 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.

5. Applicant shall not commence operations in the over-25 passenger classification until he has received written confirmation from the commission that all requirements have been met.

DONE at Honolulu, Hawaii this 4th day of November, 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

Benedyke 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. 20622 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

RAYMOND G. FOAT, dba
RESORT SHUTTLE
P. O. Box 384598
Waikoloa, HI  96738

DATED: November 4, 2003