

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

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DIV. OF CONSUMER ADVOCACY  
DEPT. OF COMMERCE AND  
CONSUMER AFFAIRS  
STATE OF HAWAII

In the Matter of the Request of )  
)  
JANE NAGANUMA, dba )  
ROYAL TRAVEL & TOURS )  
)  
To Reactivate Motor Carrier )  
Certificate No. 4833-C. )

Docket No. 01-0160

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In the Matter of the Application of )  
)  
JANE NAGANUMA, dba )  
ROYAL TRAVEL & TOURS )  
)  
To Transfer a Motor Carrier )  
Certificate or Permit and to )  
Extend Operating Authority. )  

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Docket No. 03-0156

(CONSOLIDATED)

DECISION AND ORDER NO. 20629

Filed Nov. 13, 2003  
At 9:00 o'clock A .M.

Karen Higashi  
Chief Clerk of the Commission

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

K. Higashi

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DECISION AND ORDER

I.

Application

Certificate of public convenience and necessity no. 4833-C ("Certificate No. 4833-C"), held by JANE NAGANUMA, dba ROYAL TRAVEL & TOURS ("Petitioner"), was placed on inactive status for a one-year period, until June 4, 2003, by Order No. 19366, filed on May 28, 2002, in Docket No. 01-0160.<sup>1</sup> On March 14, 2003, Petitioner filed a letter requesting that Certificate No. 4833-C be reactivated.

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<sup>1</sup>Pursuant to Order No. 18579, filed on June 4, 2001, Certificate No. 4833-C was placed on inactive status for one year, until June 4, 2002. Hawaii Revised Statutes ("HRS") § 271-19 provides that the commission may grant inactive status for a cumulative period not to exceed two years over the life of the certificate.

consolidation of these proceedings will be conducive to the proper dispatch of the commission's business and the ends of justice, and will not unduly delay these proceedings.

Based on the foregoing, we conclude that Docket Nos. 01-0160 and 03-0156 should be consolidated.

### III.

#### A.

##### Request to Reactivate Common Carrier Authority

Pursuant to HRS § 271-19, Petitioner may reactivate her certificate at any time prior to the expiration of the inactive period by filing a request to reactivate and by fulfilling the requirements for renewal. Based upon our review of the record, the commission finds that there is good cause to grant Petitioner's request to reactivate Certificate No. 4833-C. Thus, we conclude that Certificate No. 4833-C should be restored to active status.

#### B.

##### Application to Transfer and Extend Common Carrier Authority

Petitioner seeks commission approval to transfer Certificate No. 4833-C to Transferee pursuant to HRS § 271-18, and to extend the operating authority under Certificate No. 4833-C by removing the 15-passenger seat limitation in the 8-to-25 passenger classification. Certificate No. 4833-C presently authorizes Petitioner to operate as a common carrier of passengers by motor vehicle 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, over irregular routes on the island of Maui, excluding travel on Hawaii State Route 31 (south of Tedeschi Vineyards in Ulupalakua to Hana), and Routes 360, 377, and 378.

Upon review of Petitioner's application, the commission finds that Transferee is fit, willing, and able to perform the services presently performed by Petitioner, and that the proposed transfer of Certificate No. 4833-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.

The commission also finds that the proposed expansion of authority is required by the present and future public convenience and necessity and that Transferee is 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. Accordingly, we conclude that the request for an expansion of authority should be granted.

#### IV.

#### Orders

##### THE COMMISSION ORDERS:

1. Docket Nos. 01-0160 and 03-0156 are consolidated, pursuant to HAR § 6-61-39.
2. Certificate No. 4833-C is restored to active status.
3. Petitioner's request to transfer Certificate No. 4833-C to Transferee is approved.

4. The request to extend the authority under Certificate No. 4833-C is approved. Transferee is authorized to operate as a common carrier of passengers by motor vehicle in the 1-to-7 and 8-to-25 passenger classifications over irregular routes on the island of Maui, excluding travel on Hawaii State Route 31 (south of Tedeschi Vineyards in Ulupalakua to Hana), and Routes 360, 377, and 378.

5. Petitioner shall surrender Certificate No. 4833-C and an amended certificate reflecting the authority granted by this decision and order shall be issued to Transferee.


6. 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 and paying a fee of \$20 for motor carrier gross revenues.


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

8. 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 13th day of November, 2003.

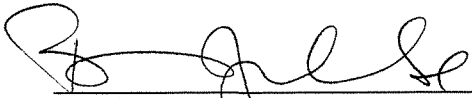
PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Carlito P. Caliboso, Chairman

By   
Wayne H. Kimura, Commissioner

By   
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

  
Benedyne S. Stone  
Commission Counsel

01-0160 & 03-0156.cs

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 20629 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

JANE NAGANUMA, dba  
ROYAL TRAVEL & TOURS  
70 Waiaka Lane, 38-104  
Wailuku, HI 96793

V2 MAX, LTD.  
c/o VICTOR JANSSEN  
745 Kekaulike  
Kula, HI 96790

  
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Karen Higashi

DATED: November 13, 2003