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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)
)
 TERMINAL TRANSPORTATION, INC.)
)
To place Certificate No. 534-C on)
Inactive Status.)
_____)
In the Matter of the Application of)
)
 TERMINAL TRANSPORTATION, INC.)
)
To Sell, Lease, Assign, Mortgage or)
Otherwise Dispose of, or Encumber)
The Whole or Any Part of Its)
Property, Certificate, or Permit.)
_____)

Docket No. 01-0190

Docket No. 03-0190

(CONSOLIDATED)

DECISION AND ORDER NO. 20630

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.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

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To Sell, Lease, Assign, Mortgage or)	(CONSOLIDATED)
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DECISION AND ORDER

I.

Application

Certificate of public convenience and necessity no. 534-C ("Certificate No. 534-C"), held by TERMINAL TRANSPORTATION, INC. ("Petitioner"), was placed on inactive status for a one-year period, until November 16, 2003,¹ pursuant to Order No. 19770, filed on November 13, 2002, in Docket No. 01-0190.

¹Pursuant to Order No. 19027, filed on November 16, 2001, Certificate No. 534-C was placed on inactive status for one year, until November 16, 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.

On July 2, 2003, Petitioner filed an application in Docket No. 03-0190 to transfer Certificate No. 534-C to VIP TRANS, INC. ("Transferee").² In light of Petitioner's request to transfer Certificate No. 534-C, we will treat the request for transfer as a request to reactivate Certificate No. 534-C, pursuant to HRS § 271-19, as well as to transfer Certificate No. 534-C to Transferee, pursuant to HRS § 271-18.

Petitioner served copies of the application on the Hawaii Transportation Association and the Hawaii State Certified Common Carriers Association, Inc., which consist of carriers that may be affected by the proposed transfer, and on the Division of Consumer Advocacy, Department of Commerce and Consumer Affairs ("Consumer Advocate"). The Consumer Advocate indicated, in a statement filed on July 3, 2003, that it will not participate in this proceeding. No persons moved to intervene in this docket.

II.

Consolidation

Hawaii Administrative Rules ("HAR") § 6-61-39 provides that the commission, upon its own initiative, may consolidate two or more proceedings that involve related questions of fact or law if it finds that the consolidation will be conducive to the proper dispatch of its business and to the ends of justice, and will not unduly delay the proceedings.

²The commission notes that Transferee represents in error that it holds Certificate No. 1348-C. See application at 2d. Certificate No. 1348-C is currently held by V.I.P Car Rentals, Inc., dba V.I.P. Trans.

Upon review of the record, we find that Docket Nos. 01-0190, in which Petitioner was granted inactive status, and 03-0190, in which the commission will consider the reactivation and transfer of Certificate No. 534-C, involve related questions of fact and law. We also find that the 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. 01-0190 and 03-0190 should be consolidated.

III.

Findings and Conclusions

At the outset, we find that there is good cause to grant Petitioner's request to reactivate Certificate No. 534-C, pursuant to HRS § 271-19. Petitioner also seeks commission approval to transfer Certificate No. 534-C to Transferee, pursuant to HRS § 271-18. Certificate No. 534-C authorizes Petitioner to operate as a common carrier of passengers by motor vehicle on the island of Oahu in the (1) 1-to-7 and 8-to-25 passenger classifications over irregular routes, and (2) over-25 passenger classification, limited to providing transportation services (a) on a per passenger and charter basis over routes between Waikiki Hotels and the Honolulu International Airport, and Waikiki Hotels and the Arizona Memorial, and (b) on a charter basis over irregular routes without route or area restrictions.

Upon review of Petitioner's application, the commission finds that the proposed transfer of Certificate No. 534-C is just and reasonable and will be consistent with the public interest. The commission also finds that Transferee is fit, willing, and able to perform the services previously performed by Petitioner. The commission, thus, finds that there is good cause to grant Petitioner's request and concludes that the proposed transfer is in accordance with HRS § 271-18, and should, therefore, be approved.

IV.

Orders

THE COMMISSION ORDERS:


1. Docket Nos. 01-0190 and 03-0190 are consolidated, pursuant to HAR § 6-61-39.
2. Certificate No. 534-C is reactivated, effective from the date of this order.
3. Petitioner's application to transfer Certificate No. 534-C to Transferee is approved.
4. Petitioner shall surrender Certificate No. 534-C and a certificate reflecting the authority granted by this decision and order shall be issued to Transferee.
5. 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, and paying a fee of \$20 for motor carrier gross revenues.


6. 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.

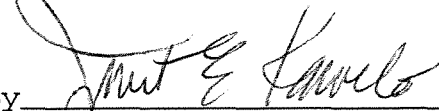
7. Transferee shall not commence operations under this decision and order until it has received written confirmation from the commission that all requirements have been met.

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

01-0190 & 03-0190.cs

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 20630 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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VIP TRANS, INC.
c/o MOHAMED MATAR
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Honolulu, HI 96819

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



Karen Higashi

DATED: November 13, 2003