BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
LEE M. HENRY, JR., dba)
TOUR FIVE-O)
)
For a Motor Carrier Certificate or)
Permission.
)

DOCKET NO. 03-0251

DECISION AND ORDER NO. 20650

Filed Nov. 18, 2003
At 9:00 o'clock A.M.

Chief Clerk of the Commission

ATTEST: A True Copy
KAREN HIGASHI
Chief Clerk, Public Utilities
Commission, State of Hawaii.
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Docket No. 03-0251 
Decision and Order No. 20650 

DECISION AND ORDER

I.

Application for Common Carrier Authority

On September 11, 2003, LEE M. HENRY, JR., dba TOUR FIVE-O
("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
Oahu in the 1-to-7 and 8-to-25 passenger classifications.
The application is made pursuant to Hawaii Revised Statutes ("HRS")
§ 271-12.

Applicant 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 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 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.

Orders

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 Oahu in the 1-to-7 and 8-to-25 passenger classifications.

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 he has received written confirmation from the commission that all requirements have been met.

DONE at Honolulu, Hawaii this 18th 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:

Benedyke J. Stone
Commission Counsel
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 20650 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

LEE M. HENRY, JR., dba
TOUR FIVE-O
P. O. Box 15335
Honolulu, HI 96830

Dated: November 18, 2003

Karen Higashi