

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of )  
 )  
DISCOVERY ADVENTURES, LLC, dba )  
KO OLINA RESORT TOUR COMPANY )  
 )  
For a Motor Carrier Certificate or )  
Permit. )  
\_\_\_\_\_ )

DOCKET NO. 04-0009

ORDER NO. 20936

RECEIVED  
2004 MAY -3 A 8:28  
DIV. OF REGISTRAR & CLERK  
DEPT. OF PUBLIC UTILITIES AND  
CONSUMER AFFAIRS  
STATE OF HAWAII

Filed April 30, 2004  
At 8:00 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

In the Matter of the Application of)	)	
DISCOVERY ADVENTURES, LLC, dba )	)	
KO OLINA RESORT TOUR COMPANY )	)	Docket No. 04-0009
	)	
For a Motor Carrier Certificate or )	)	Order No. 20936
Permit. )	)	
_____ )	)	

ORDER

I.

Motion to Intervene

On January 9, 2004, DISCOVERY ADVENTURES, LLC, dba KO OLINA RESORT TOUR COMPANY ("Applicant") filed an application with the commission for a certificate of public convenience and necessity to operate as a common carrier of passengers in the 8-to-25 passenger classification on the island of Oahu.

On February 24, 2004, a timely motion to intervene in the instant proceeding ("Motion to Intervene") was filed by Leo Trans. Co. Inc. ("Movant"). On March 25, 2004, Applicant filed a timely memorandum in opposition to the Motion to Intervene ("Memorandum in Opposition").<sup>1</sup>

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<sup>1</sup>Applicant was served a copy of the Motion to Intervene, via United States Postal Service, on March 16, 2004. Thus, pursuant to Hawaii Administrative Rules ("HAR") §§ 6-61-41, 6-61-21 and 6-61-22, Applicant's Memorandum in Opposition was timely filed.

II.

Discussion

Pursuant to HAR 6-61-55, "[i]ntervention shall not be granted except on allegations which are reasonably pertinent to and do not unreasonably broaden the issues already presented." Additionally, intervention as a party in a proceeding before us is a matter resting within our sound discretion. See In re Application of Hawaiian Electric Co., Ltd., 56 Haw. 260 (1975).

In its Motion to Intervene, Movant alleges, among other things, that Applicant's proposed motor carrier service will be in direct competition with Movant, and that there is no public need or necessity for Applicant's proposed motor carrier service.

Based upon our review of the Motion to Intervene, we find that Movant's assertions do not warrant a grant of intervention by the commission. Movant has not convinced the commission that its participation as a party is necessary to the resolution of the instant application, or that a commission grant of intervention to Movant would not unreasonably broaden the issues already presented and unnecessarily delay the instant proceeding. Thus, the commission concludes that Movant's Motion to Intervene should be denied.


III.

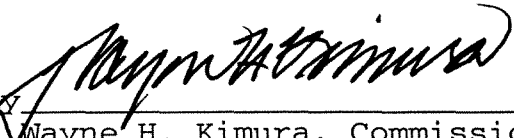
Order

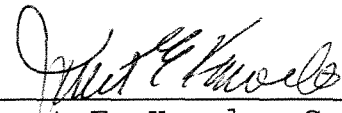
THE COMMISSION ORDERS that Movant's Motion to Intervene, filed on February 24, 2004, is denied.

DONE at Honolulu, Hawaii this 30th day of April, 2004.

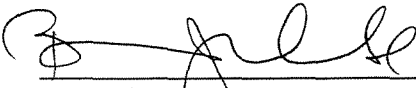
PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Carlito P. Caliboso, Chairman

By   
Wayne H. Kimura, Commissioner

By   
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

  
Benedyne S. Stone  
Commission Counsel

04-0009.cs

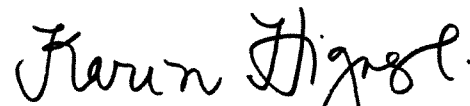
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 20936 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

DISCOVERY ADVENTURES, LLC, dba  
KO OLINA RESORT TOUR COMPANY  
c/o ROBERT SHEETZ  
92-100 Waipahe Place, H36  
Kapolei, HI 96707

MELVIN L. MEYERS, CEO  
LEO TRANS. CO. INC.  
87-154 B Liliana Street  
Waianae, HI 96792

  
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Karen Higashi

DATED: April 30, 2004