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

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.
BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

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

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").¹

¹Applicant 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
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
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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

DATED:  April 30, 2004