

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
VAN H. NGO)
For Amendment of Motor Carrier)
Certificate.)
_____)

DOCKET NO. 04-0028

DECISION AND ORDER NO. 20984

RECEIVED
2004 MAY 17 A 9:41
DIV. OF CONSUMER ADVOCACY
DEPT. OF COMMERCE AND
CONSUMER AFFAIRS
STATE OF HAWAII

Filed May 14, 2004
At 2:00 o'clock P.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))	
VAN H. NGO)	Docket No. 04-0028
For Amendment of Motor Carrier)	Decision and Order No. 20984
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DECISION AND ORDER

I.

Application to Amend Common Carrier Authority

VAN H. NGO ("Applicant") is a common carrier of passengers by motor vehicle over irregular routes on the island of Oahu in the 8-to-25 passenger classification, limited to limousines. On February 2, 2004, Applicant filed an application seeking commission approval to amend his authority under certificate of public convenience and necessity number 1540-C ("Certificate No. 1540-C") by (1) removing the 8-to-25 passenger classification, limited to limousines, and (2) adding the 1-to-7 passenger classification. Applicant represents that if his authority is amended as requested, he can meet customer demand for motor vehicles with a seating capacity of 1-to-7 passengers.

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 Hawaii Revised Statutes ("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 an amendment of his authority should be granted.

Furthermore, pursuant to HRS § 271-19, a certificate of public convenience and necessity may be terminated upon application of the holder. Thus, the commission finds good cause to grant Applicant's request to terminate his authority in the 8-to-25 passenger vehicle classification, limited to limousines.

III.

Orders

THE COMMISSION ORDERS:

1. Applicant is authorized to operate as a common carrier of passengers by motor vehicle over irregular routes on the island of Oahu in the 1-to-7 passenger classification. Applicant's authority in the 8-to-25 passenger classification, limited to

limousines, shall terminate upon written notification from the commission that all requirements for the amended operating authority have been met.

2. Applicant shall surrender Certificate No. 1540-C, and an amended certificate reflecting the operating authority granted by this decision and order shall be issued.


3. 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 and filing the appropriate insurance documents.

4. 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.

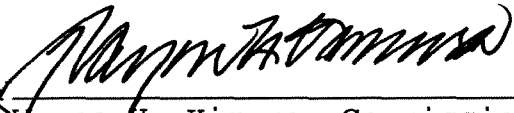
5. Applicant shall not commence operations in the 1-to-7 passenger classification until he has received written confirmation from the commission that all requirements have been met.

DONE at Honolulu, Hawaii this 14th day of May, 2004.

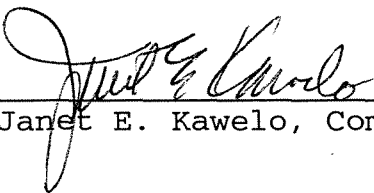
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 

Carlito P. Caliboso, Chairman

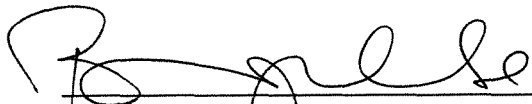
By 

Wayne H. Kimura, Commissioner

By 

Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:



Benedyne S. Stone
Commission Counsel

04-0028.cs

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 20984 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

VAN H. NGO
907 Birch Street, #201
Honolulu, HI 96814



Karen Higashi

DATED: May 14, 2004