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 )
Permit.
)

DEcision AND ORDER NO. 21042

Filed June 9, 2004
At 2:00 o'clock P.M.

Karin Diggs
Chief Clerk of the Commission
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
Decision and Order No. 21042

DECISION AND ORDER

I.

Application for Common Carrier Authority

DISCOVERY ADVENTURES, LLC, dba KO OLINA RESORT TOUR COMPANY ("Applicant"), filed an application on January 9, 2004, requesting that the commission grant it a certificate of public convenience and necessity to operate as a common carrier of passengers by motor vehicle in the 8-to-25 passenger classification, over irregular routes, on the island of Oahu. Applicant's request 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, 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.
On February 24, 2004, Leo Trans. Co. Inc. ("Leo Trans") filed a motion to intervene in the instant proceeding ("Motion to Intervene"). By Order No. 20936, filed on April 30, 2004, the commission denied Leo Trans' Motion to Intervene.

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 in the 8-to-25 passenger classification, over irregular routes, on the island of Oahu.

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

DONE at Honolulu, Hawaii this 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
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 it has received written confirmation from the commission that all requirements have been met.

DONE at Honolulu, Hawaii this 9th day of June, 2004.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By Carlito P. Caliboso, Chairman

Wayne H. Kimura, Commissioner

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 Decision and Order No. 21042 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

DATED: June 9, 2004

Karen Higashi