BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of

SIDNEY J. MELLEN, dba
ISLAND SHUTTLE AND TOUR CO.

For a Motor Carrier Certificate or
Permit.

DOCKET NO. 04-0148

DECISION AND ORDER NO. 21309

Filed August 17, 2004
At 10 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. 04-0148
Decision and Order No. 21309

DECISION AND ORDER

I.

Application for Common Carrier Authority

On June 15, 2004, SIDNEY J. MELLEN, dba ISLAND SHUTTLE
AND TOUR CO. ("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 Kauai in the 8-to-25 passenger classification,
limited to providing transportation services between Poipu and the
Lihue Airport, and within the Koloa-Poipu resort and shopping
areas. The application is made pursuant to Hawaii Revised Statutes
("HRS") § 271-12.

Applicant served copies of the application on the
Hawaii Transportation Association, which consists 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 Kauai in the 8-to-25 passenger classification, limited to providing transportation services between Poipu and the Lihue Airport, and within the Koloa-Poipu resort and shopping areas.

2. Applicant shall comply with all of the commission's requirements for common carriers by motor vehicle including, but not limited to, 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 one hundred and twenty (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  AUG 17 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

04-0148.cs
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 21309 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

SIDNEY J. MELLEN, dba
ISLAND SHUTTLE AND TOUR CO.
2143A Kelikoli Street
Lihue, HI 96766

LORNA A. NISHIMITSU, ESQ.
LAW OFFICES OF WALTON D.Y. HONG
3135 Akahi Street, Suite A
Lihue, HI 96766-1106

DATED: AUG 17 2004

Karen Higashi