

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
PARADISE EXCURSIONS, INC.)
For Extension of Motor Carrier)
Certificate.)
_____)

DOCKET NO. 04-0150

DECISION AND ORDER NO. 21366

Filed Sept. 28, 2004
At 8 o'clock A .M.

Karen Higashi.
Chief Clerk of the Commission

RECEIVED
2004 SEP 30 A 8:25
DIV. OF CONSUMER ADVOCACY
DEPT. OF COMMERCE AND
CONSUMER AFFAIRS
STATE OF HAWAII

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)
PARADISE EXCURSIONS, INC.)
For Extension of Motor Carrier)
Certificate.)
_____)

Docket No. 04-0150
Decision and Order No. 21366

DECISION AND ORDER

I.

Application to Extend Common Carrier Authority

PARADISE EXCURSIONS, INC. ("Applicant") is a common carrier of passengers by motor vehicle over irregular routes on the island of Hawaii, excluding Waipio Valley, in the 8-to-25 passenger classification, limited to utilizing motor vehicles with a maximum manufacturer's seating capacity of 11 passengers. On June 17, 2004, Applicant filed an application seeking commission approval to extend its authority under certificate of public convenience and necessity number 5727-C ("Certificate No. 5727-C") by removing the 11-passenger seat restriction in the 8-to-25 passenger classification and replacing it with a 15-passenger seat restriction. Applicant represents that if its authority is extended as requested, it can meet customer demand for motor vehicles with a larger seating capacity.

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 Hawaii Revised Statutes 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 extension of its authority should be granted.

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 Hawaii, excluding Waipio Valley, in the 8-to-25 passenger classification, limited to utilizing motor vehicles with a maximum manufacturer's seating capacity of 15 passengers.

2. Applicant shall surrender Certificate No. 5727-C, and an amended certificate reflecting the operating authority granted by this decision and order shall be issued.

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 utilizing motor vehicles with a seating capacity greater than 11 passenger seats until it has received written confirmation from the commission that all requirements have been met.

DONE at Honolulu, Hawaii SEP 28 2004.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By Carlito P. Caliboso
Carlito P. Caliboso, Chairman

By Wayne H. Kimura
Wayne H. Kimura, Commissioner

By Janet E. Kawelo
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

Benedyne S. Stone
Benedyne S. Stone
Commission Counsel

04-0150.cs

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 21366 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

PARADISE EXCURSIONS, INC.
RR3, Box 1319
Pahoa, HI 96778



Karen Higashi

DATED: SEP 28 2004