

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
PARADISE CHRISTIAN TOURS, INC., dba)
A'A TOURS)
For a Motor Carrier Certificate)

Docket No. 04-0161
Decision and Order No. **21551**

DECISION AND ORDER

I.

Application for Common Carrier Authority

PARADISE CHRISTIAN TOURS, INC., dba A'A TOURS ("Applicant"), is a contract 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. Applicant provides its contract carrier services pursuant to a contract with Polynesian Adventure Tours, Inc. On July 6, 2004, Applicant filed an application seeking commission approval to change its existing authority as a contract carrier under Permit No. 5821-P to 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 Hawaii, excluding Waipio Valley, in the 1-to-7 and 8-to-25 passenger classifications. By Interim Decision and Order No. 21429, filed on October 26, 2004, the commission

granted Applicant temporary authority to operate as a common carrier for one hundred and twenty (120) days.

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"). On July 7, 2004, the Consumer Advocate filed a statement of position stating that it would not participate in the instant proceeding.

On August 9, 2004, Jack's Tours, Inc. ("Movant") filed a motion to intervene in the instant proceeding ("Motion to Intervene"). By Order No. 21409, filed on October 11, 2004, the commission denied Movant's Motion to Intervene.

On October 12, 2004, Applicant filed a response to Movant's Motion to Intervene ("Applicant's Response"). On October 15, 2004, Movant filed a motion to strike Applicant's Response ("Motion to Strike"). By Order No. 21507, filed on December 22, 2004, the commission dismissed Movant's Motion to Strike as moot.

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 a common carrier, as set forth in the application, should be granted.

Furthermore, pursuant to HRS § 271-19, a permit may be terminated upon application of the holder. Thus, the commission finds good cause to grant Applicant's request to terminate Permit No. 5821-P upon written notification from the commission that all requirements for Applicant's common carrier authority have been met.

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 Hawaii, excluding Waipio Valley, in the 1-to-7 and 8-to-25 passenger classifications. Applicant's Permit No. 5821-P shall terminate upon written notification from the commission that all requirements for Applicant's common carrier authority have been met.

2. Applicant shall surrender Permit No. 5821-P, and a certificate reflecting the operating authority granted by this decision and order shall be issued.


3. Applicant shall comply with the foregoing requirement 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 its common carrier operations on a permanent basis until it has received written confirmation from the commission that all requirements have been met.

DONE at Honolulu, Hawaii JAN 20 2005.

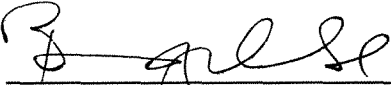
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
Wayne H. Kimura, Commissioner

By 
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:


Benedyne S. Stone
Commission Counsel

04-0161.rpr

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision & Order No. 21551 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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DATED: **JAN 20 2005**

Karen Higashi