BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
MAUI CHINA TOURS, INC. ) DOCKET NO. 04-0325
)
To Sell, Lease, Assign, Mortgage or)
Otherwise Dispose of, or Encumber )
The Whole or Any Part of Its )
Property, Certificate, or Permit. )

DECISION AND ORDER NO. 21632

Filed Feb. 4, 2005
At 2:00 o’clock P.M.

Chief Clerk of the Commission

ATTEST: A True Copy
KAREN HIGASHI
BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)

MAUI CHINA TOURS, INC. )

To Sell, Lease, Assign, Mortgage or)
Otherwise Dispose of, or Encumber )
The Whole or Any Part of Its )
Property, Certificate, or Permit. )

Docket No. 04-0325）

Decision and Order No. 21632

DECISION AND ORDER

By this decision and order, the commission approves the transfer of certificate of public convenience and necessity number 4827-C ("Certificate No. 4827-C") from MAUI CHINA TOURS, INC. ("Transferor") to MERRY CHINA TRAVEL, INC. ("Transferee"), subject to certain conditions, as further described herein.

I.
Application to Transfer Common Carrier Authority

On November 9, 2004, Transferor filed an application seeking commission approval to transfer Certificate No. 4827-C to Transferee, pursuant to Hawaii Revised Statutes ("HRS") § 271-18. Under Certificate No. 4827-C, and pursuant to HRS § 271-12, Transferor is authorized to operate as a common carrier of passengers by motor vehicle over irregular routes (1) on the island of Maui in the 1-to-7 and 8-to-25 passenger classifications, and (2) on the island of Hawaii, excluding Waipio Valley, in the 8-to-25 passenger classification.
Transferor served copies of the application on the Hawaii Transportation Association, which consists of carriers that may be affected by the proposed transfer, and on the Division of Consumer Advocacy, Department of Commerce and Consumer Affairs ("Consumer Advocate"). By a statement filed on November 10, 2004, the Consumer Advocate indicated that it will not participate in this proceeding. No persons moved to intervene in this docket.

II. Findings and Conclusions

Upon review of Transferor's application, the commission finds that Transferee is fit, willing, and able to perform the services presently performed by Transferor, and that the proposed transfer of Certificate No. 4827-C is just and reasonable and will be consistent with the public interest. Accordingly, the commission concludes that the proposed transfer is in accordance with HRS § 271-18, and should, therefore, be approved.

III. Orders

THE COMMISSION ORDERS:

1. Transferor's application to transfer Certificate No. 4827-C to Transferee is approved.

2. Transferee shall comply with all of the commission's requirements for common carriers by motor vehicle including, but
not limited to, filing a lawful tariff, filing the appropriate insurance documents, and paying a fee of $20 for motor carrier gross revenues.

3. Transferor shall surrender Certificate No. 4827-C, and a certificate reflecting the operating authority granted by this decision and order shall be issued to Transferee.

4. Transferor shall file with the commission its annual financial report for the period of operation from January 1, 2005, to the effective date of this decision and order, and shall pay the associated motor carrier gross revenue fee.

5. Transferor shall file an annual financial report for the calendar year 2004, and pay the associated motor carrier gross revenue fee for the calendar year 2004 by April 30, 2005.

6. Transferor and Transferee shall comply with the requirements set forth herein 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.

7. Transferee 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 FEB - 4 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:

Benedyke S. Stone
Commission Counsel

04-0325.rpr
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 21632 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

MAUI CHINA TOURS, INC.
c/o HELENA MA
382 Kanaloa Avenue
Kahului, HI 96732

MERRY CHINA TRAVEL, INC.
c/o HELENA MA
382 Kanaloa Avenue
Kahului, HI 96732

DATED: FEB - 4 2005

Karen Higashi