BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
4U2C, INC., dba
HAWAI'I NATURE EXPLORERS)
)
For a Motor Carrier Certificate or )
Permit.
)

DECISION AND ORDER NO. 21894

Filed ______, 2005
At ______ o'clock _______ M.

Brooke K. Kane
Chief Clerk of the Commission

ATTEST: A True Copy
BROOKE K. KANE
Administrative Director
Public Utilities Commission
State of Hawaii

Brooke K. Kane
BEFORE THE PUBLIC UTILITIES COMMISSION
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In the Matter of the Application of)
4U2C, INC., dba )
HAWAI'I NATURE EXPLORERS )
For a Motor Carrier Certificate or )
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Docket No. 04-0168
Decision and Order No. 21894

DECISION AND ORDER

By this Decision and Order, the commission grants
4U2C, INC., dba HAWAI'I NATURE EXPLORERS ("Applicant"), a
certificate of public convenience and necessity ("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 8-to-25 passenger classification, limited
to utilizing motor vehicles with a maximum manufacturer’s seating
capacity of 15 passengers, and subject to certain conditions, as
described herein.

I.
Application for Common Carrier Authority

On July 8, 2004, Applicant filed an application
requesting 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 8-to-25 passenger
classification, limited to utilizing motor vehicles with a
maximum manufacturer’s seating capacity of 15 passengers.
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.

On August 4, 2004, Jack's Tours, Inc. ("Jack's Tours") filed a motion to intervene in the instant proceeding ("Motion to Intervene") which included a request that the commission hear oral arguments on the Motion to Intervene. On August 23, 2004, Applicant filed a Response to the Motion to Intervene ("Applicant's Response"). On September 3, 2004, Jack's Tours filed a Reply Memorandum to Applicant's Response. Oral argument on the Motion to Intervene was held on November 23, 2004 in Hilo, Hawaii. At the oral argument Applicant was represented by its President, and Jack's Tours was represented by its attorney.

On March 15, 2005, the commission issued Findings of Fact, Conclusions of Law, and Recommended Decision and Order of Hearings Officer ("Recommended Decision"), in which the hearings officer recommended that the commission deny the Motion to Intervene. On March 30, 2005, Jack's Tours filed written exceptions to the Recommended Decision ("Exceptions"), pursuant to Hawaii Administrative Rules § 6-61-130, and requested that the commission hear oral argument on the Exceptions. Oral argument on the Exceptions was heard by the commission on May 24, 2005.
On June 3, 2005, the commission issued Order No. 21854 approving, and adopting in toto, the Recommended Decision and denying Jack's Tours' 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 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 comply with all of the commission's requirements for common carriers by motor vehicle
including, but not limited to, filing a lawful tariff and paying a fee of $20 for motor carrier gross revenues.

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.

5. This docket is closed unless otherwise ordered by the commission.

DONE at Honolulu, Hawaii JUN 28 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
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 21894 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

KUMIKO HASEGAWA, PRESIDENT
4U2C, INC., dba
HAWAII' I NATURE EXPLORERS
P. O. Box 5596
Hilo, HI 96720

DATED: JUN 28 2005

Karen Higashi