

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
DRAGAN RNIC, dba)
RESORTS LIMOUSINE SERVICE)
For Extension of Motor Carrier)
Certificate.)
_____)

DOCKET NO. 04-0179

DECISION AND ORDER NO. 21895

RECEIVED
2005 JUN 29 A 7:51
DIV. OF CONSUMER PROTECTION
DEPT. OF COMMERCE AND
CONSUMER AFFAIRS
STATE OF HAWAII

Filed June 28, 2005
At 11:30 o'clock A.M.

for 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
OF THE STATE OF HAWAII

In the Matter of the Application of)
DRAGAN RNIC, dba)
RESORTS LIMOUSINE SERVICE)
For Extension of Motor Carrier)
Certificate.)
_____)

Docket No. 04-0179
Decision and Order No. 21895

DECISION AND ORDER

By this Decision and Order, the commission authorizes DRAGAN RNIC, dba RESORTS LIMOUSINE SERVICE ("Applicant"), to extend his authority under certificate of public convenience and necessity number 5710-C ("Certificate No. 5710-C") by removing the restriction that limits his authority to utilizing limousines with a maximum manufacturer's seating capacity of ten (10) passengers in the 8-to-25 passenger classification on the island of Hawaii, subject to certain conditions, as described herein.

I.

Application to Extend Common Carrier Authority

On July 22, 2004, Applicant filed an application seeking commission approval to extend his authority under Certificate No. 5710-C¹ by (1) adding the 1-to-7 and 8-to-25

¹Certificate No. 5710-C authorizes Applicant to transport passengers by motor vehicle over irregular routes on the island of Hawaii, excluding Waipio Valley, in the (1) 1-to-7 passenger classification, and (2) 8-to-25 passenger classification, limited to utilizing limousines with a maximum manufacturer's seating capacity of 10 passengers.

passenger classifications on the island of Kauai, and (2) removing the restriction that limits Applicant's authority to utilizing limousines with a maximum manufacturer's seating capacity of ten (10) passengers in the 8-to-25 passenger classification on the island of Hawaii.² Applicant represents that if his authority is extended as requested, he 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.

On August 18, 2004, Jack's Tours, Inc. ("Jack's Tours") filed a motion to intervene regarding Applicant's extension of authority on the island of Hawaii ("Motion to Intervene") which included a request that the commission hear oral arguments on the Motion to Intervene. On August 26, 2004, Applicant filed a Memorandum in Opposition to the Motion to Intervene ("Memorandum in Opposition").³ On September 7, 2004, Jack's Tours filed a Reply Memorandum to the Memorandum in Opposition.

²By Interim Decision and Order No. 21434, filed on November 1, 2004, the commission granted Applicant's request to extend his authorization to the island of Kauai in the 1-to-7 and 8-to-25 passenger classifications.

³On September 7, 2004, Applicant filed a request for an enlargement of time in which to file his Memorandum in Opposition, pursuant to Hawaii Administrative Rules ("HAR") 6-61-23.

Oral argument on the Motion to Intervene was held on November 23, 2004 in Hilo, Hawaii. Applicant represented himself at the hearing, 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 of Hearing's Officer, 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, pursuant to HAR § 6-61-130 ("Exceptions") and requested that oral argument be heard by the commission on its Exceptions. Oral argument on the Exceptions was heard by the commission on May 24, 2005. On June 3, 2005, the commission issued Order No. 21855 approving and adopting, *in toto*, the Recommended Decision and denying the 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 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 his 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 (1) on the island of Kauai in the 1-to-7 and 8-to-25 passenger classifications, and (2) on the island of Hawaii, excluding Waipio Valley, in the 1-to-7 and 8-to-25 passenger classifications.

2. Applicant shall surrender Certificate No. 5710-C, and an amended certificate reflecting the operating authority granted by this Decision and Order shall be issued.

3. 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.


4. 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.

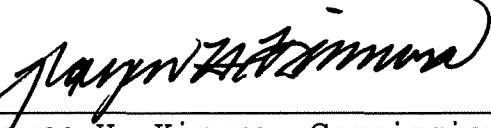
5. Applicant shall not commence operations utilizing motor vehicles with 11-to-25 passenger seating capacity until he has received written confirmation from the commission that all requirements have been met.

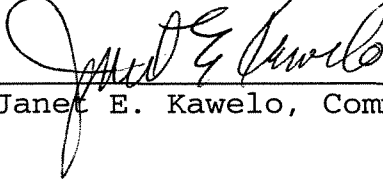
6. This docket is closed unless otherwise ordered by the commission.

DONE at Honolulu, Hawaii JUN 28 2005.

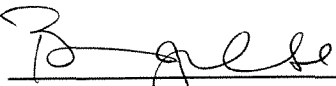
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
Wayne H. Kimura, Commissioner

By 
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:


Benedyne S. Stone
Commission Counsel

04-0179.eh


CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 21895 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

DRAGAN RNIC, dba
RESORTS LIMOUSINE SERVICE
74-5588 PAWAI PLACE, BUILDING B
Kailua-Kona, HI 96740

DATED: JUN 28 2005



for Karen Higashi