# BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

In the Matter of the Request of)

To Place Operating Authority on)

HARVEY EGNA, dba HAWAII VOLCANO TOURS

Inactive Status.

DOCKET NO. 05-0073

ORDER NO. 21938

Filed July 21 , 2005
At \_\_\_\_\_\_ 2 o'clock \_P \_.M.

Furn Digret.
Chief Clerk of the Comm

ATTEST: A True Copy KAREN HIGASHI

Chief Clerk, Public Utilities Commission State of Hawaii.

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#### <u>ORDER</u>

By this Order, the commission places certificate of public convenience and necessity no. 5719-C ("Certificate No. 5719-C"), held by HARVEY EGNA, dba HAWAII VOLCANO TOURS ("Petitioner"), on inactive status for one (1) year, effective from the date of this Order.

I.

### Request to Place Common Carrier Authority on Inactive Status

On March 22, 2005, Petitioner filed a letter requesting that Certificate No. 5719-C be placed on inactive status. Certificate No. 5719-C authorizes Petitioner to transport passengers by motor vehicle over irregular routes on the island of Hawaii, excluding Waipio Valley, in the 1-to-7 passenger classification.

Under Hawaii Revised Statutes ("HRS") § 271-19, the commission may place a certificate on inactive status upon written request by a motor carrier, and for good cause shown. The inactive period, however, may not exceed twelve (12) months.

In addition, HRS § 271-19 provides that inactive status may only be granted for a cumulative period not to exceed two (2) years over the life of the certificate.

The commission finds that there is good cause to grant Petitioner's request. If Petitioner so desires he may file, prior to the expiration of the inactive period granted by this Order, a request to extend his inactive status for up to one (1) additional year.

II.

#### <u>Orders</u>

#### THE COMMISSION ORDERS:

- 1. Petitioner's Certificate No. 5719-C is placed on inactive status for one (1) year, effective from the date of this Order.
- 2. If Certificate No. 5719-C is not reactivated prior to the expiration of the period of inactivity, it shall be declared abandoned and revoked. The request to reactivate Certificate No. 5719-C, along with the filing of all documents necessary for reactivation must be completed prior to the expiration of the inactivity period, or Certificate No. 5719-C shall be revoked.
- 3. Petitioner shall not transfer his inactive certificate unless Petitioner can first establish good cause to the commission for the transfer, and the commission has approved the request to transfer.

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PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

Commissioner

Kawelo, Commissioner

APPROVED AS TO FORM:

Benedyne S. Stone

Commission Counsel

05-0073.eh

## CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the  $\frac{21938}{}$  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

HARVEY EGNA, dba HAWAII VOLCANO TOURS Box 672 Hilo, HI 96721

Karen Highshi

DATED: JUL 2 1 2005