

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of)  
SURF & TURF SHUTTLE SERVICE, LLC )  
For a Motor Carrier Certificate or )  
Permit. )  
\_\_\_\_\_ )

DOCKET NO. 05-0213

DECISION AND ORDER NO. 22146

RECEIVED

2005 DEC -2 A 8:13

DIV. OF CONSUMER ADVOCACY  
DEPT. OF COMMERCE AND  
CONSUMER AFFAIRS  
STATE OF HAWAII

Filed Dec. 1, 2005  
At 9 o'clock A.M.

Karen Higashi.  
Chief Clerk of the Commission

ATTEST: A True Copy  
KAREN HIGASHI  
Chief Clerk, Public Utilities  
Commission, State of Hawaii.

K. Higashi.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of)  
SURF & TURF SHUTTLE SERVICE, LLC )  
For a Motor Carrier Certificate or )  
Permit. )  
\_\_\_\_\_)

Docket No. 05-0213  
Decision and Order No. 22146

DECISION AND ORDER

By this Decision and Order, the commission grants SURF & TURF SHUTTLE SERVICE, LLC ("Applicant") a certificate of public convenience and necessity ("Certificate") to operate as a common carrier of passengers by motor vehicle over irregular routes and regular routes on the island of Kauai in the 8-to-25 passenger classification, limited to utilizing motor vehicles with a maximum manufacturer's seating capacity of 17 passengers, and subject to certain conditions, as described herein.

I.

Application for Common Carrier Authority

On August 22, 2005, Applicant filed an application requesting a Certificate to operate as a common carrier of passengers by motor vehicle over irregular routes and regular routes on the island of Kauai in the 8-to-25 passenger classification, limited to utilizing motor vehicles with a maximum manufacturer's seating capacity of 17 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, and no persons moved to intervene in this docket.

## 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 and regular routes on the island of Kauai in the

8-to-25 passenger classification, limited to utilizing motor vehicles with a maximum manufacturer's seating capacity of 17 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, paying a fee of \$20 for motor carrier gross revenues, and filing the appropriate insurance documents.


3. Applicant's tariff for its regular route services shall comply with Hawaii Administrative Rules § 6-63, and shall contain the rates, schedules, routes, and fares for the regular route service. Applicant shall file a tariff amendment whenever any new route is added or an existing route is discontinued and modified. Applicant is authorized to deviate occasionally from its regular routes for a maximum of thirty (30) days. If the deviation continues for more than thirty (30) days, the route shall be deemed modified, and the Applicant must amend the route and schedule shown on its tariff to reflect the modification.

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.

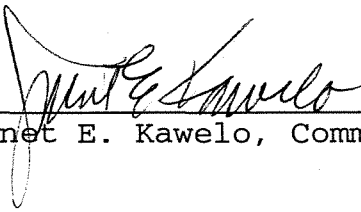
5. Applicant shall not commence operations under this Decision and Order until it has received written confirmation from the commission that all requirements have been met.

DONE at Honolulu, Hawaii DEC - 1 2005 .

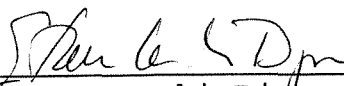
PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Carlito P. Caliboso, Chairman

By (EXCUSED)  
Wayne H. Kimura, Commissioner

By   
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

  
Stacey Kawasaki Djou  
Commission Counsel

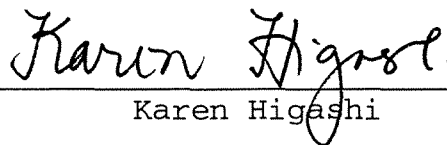
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CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 22146 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

SURF & TURF SHUTTLE SERVICE, LLC  
c/o JAMES DIZOL  
P. O. Box 326  
Koloa, HI 96756

  
\_\_\_\_\_  
Karen Higashi

DATED: DEC - 1 2005