BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAI'I

In the Matter of the Application of
CHONG S. KIM, dba
RAINFOREST TOUR HILO
For a Motor Carrier Certificate or
Permit.

DOCKET NO. 05-0156

DECISION AND ORDER NO. 22259

Filed Feb. 2, 2006
At 11:20 o'clock A.M.

Karen Higashii
Chief Clerk of the Commission

ATTEST: A True Copy
KAREN HIGASHI
Chief Clerk, Public Utilities
Commission, State of Hawaii.
BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Application of)

CHONG S. KIM, dba
RAINBOW TOUR HILO)

For a Motor Carrier Certificate or) Decision and Order No. 22259
Permit.)

DECISION AND ORDER

By this Decision and Order, the commission grants
CHONG S. KIM, dba RAINBOW TOUR HILO ("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
(1) 1-to-7 passenger classification, and (2) 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

By application filed on June 23, 2005, and amended on
September 9, 2005, Applicant requests 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
(1) 1-to-7 passenger classification, and (2) 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"). On June 24, 2005, the Consumer Advocate informed the commission that it will not be participating in this docket.

On August 24, 2005, Jack's Tours, Inc. ("Jack's") filed a motion to intervene in this proceeding ("Motion to Intervene"), which included a request that the commission hear oral arguments on the Motion to Intervene. On October 13, 2005, oral arguments on the Motion to Intervene were heard by the commission. On November 16, 2005, the commission issued Order No. 22124, denying Jack's 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 (1) 1-to-7 passenger classification, and (2) 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, paying a fee of $20 for motor carrier gross revenues, and filing the appropriate insurance documents.

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 he has received written confirmation from the commission that all requirements have been met.
DONE at Honolulu, Hawaii  

PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII  

By Carlito P. Caliboso, Chairman  

(EXCUSED)  

By Wayne H. Kimura, Commissioner  

By Janet E. Kawelo, Commissioner  

APPROVED AS TO FORM:  

Benedyke S. Stone  
Commission Counsel  

05-0156.cs
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 22259 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

CHONG S. KIM, dba
RAINBOW TOUR Hilo
72 A Kekela Street
Hilo, HI 96720

DATED: FEB - 2 2006

Karen Higashi