BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of
TSUKAMOTO FAMILY TOURS, INC., dba
NATURE SCHOOL
For Extension of Motor Carrier Certificate.

DOCKET NO. 05-0162

DECISION AND ORDER NO. 22284

Filed Feb. 13, 2006
At 1:45 o'clock P.M.

Chief Clerk of the Commission

ATTEST: A True Copy
KAREN HIGASHI
Before the Public Utilities Commission
of the State of Hawaii

In the Matter of the Application of
)
) TSUKAMOTO FAMILY TOURS, INC., dba
) NATURE SCHOOL
) For Extension of Motor Carrier
) Certificate.
) Docket No. 05-0162
) Decision and Order No. 22284

Decision and Order

By this Decision and Order, the commission authorizes
TSUKAMOTO FAMILY TOURS, INC., dba NATURE SCHOOL ("Applicant"), to
extend its authority under certificate of public convenience
and necessity number 5708-C ("Certificate No. 5708-C") by
(1) including the 1-to-7 passenger classification, and
(2) deleting the 15 passenger seat limitation in the 8-to-25
passenger classification, on the island of Hawaii, excluding
Waipio Valley, subject to certain conditions, as described
herein.

I.

Application to Extend Common Carrier Authority

Applicant is 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. On June 30, 2005, Applicant filed an
application seeking commission approval to extend its authority
under Certificate No. 5708-C by (1) including the 1-to-7 passenger classification, and (2) deleting the 15 passenger seat limitation in the 8-to-25 passenger classification.

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 July 7, 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 3, 2005, Applicant filed a Motion to Strike Motion to Intervene and on October 10, 2005, Jack’s filed a Memorandum in Opposition to the Motion to Strike.

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. 22125, denying Jack’s Motion to Intervene and dismissing Applicant’s Motion to Strike.

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 its 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 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. 5708-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 vacate this Decision and Order.

5. Applicant shall not commence operations in the 1-to-7 passenger classification or utilize motor vehicle with 16 to 25 passenger seating capacity until it has received written
confirmation from the commission that all requirements have been met.

DONE at Honolulu, Hawaii FEB 13 2006

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By Carlito P. Caliboso, Chairman

(EXCUSED)
Wayne H. Kimura, Commissioner

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. 22284 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

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DATED:    FEB 13 2006