BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of

ACTION ADVENTURE TRAVEL, INC., dba
ACTION ADVENTURE TOURS

For a Motor Carrier Certificate or Permit.

DOCKET NO. 05-0326

DECISION AND ORDER

Filed March 23, 2006
At 1 o'clock P.M.

Karen Jigost
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)
ACTION ADVENTURE TRAVEL, INC., dba ACTION ADVENTURE TOURS)
For a Motor Carrier Certificate or Permit.)

Docket No. 05-0326
Decision and Order No. 22349

DECISION AND ORDER

By this Decision and Order, the commission grants ACTION ADVENTURE TRAVEL, INC., dba ACTION ADVENTURE TOURS ("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 Maui in the 8-to-25 passenger classification, limited to providing transportation services in conjunction with its kayak tours, and subject to certain conditions, as described herein.

I.

Application for Common Carrier Authority

On December 27, 2005, Applicant filed an application requesting a Certificate to operate as a common carrier of passengers by motor vehicle over irregular routes on the island of Maui in the 8-to-25 passenger classification, limited to providing transportation services in conjunction with its kayak tours. 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 on the island of Maui in the 8-to-25 passenger classification, limited to providing transportation services in conjunction with its kayak tours.
2. Applicant shall comply with all of the commission’s requirements for common carriers by motor vehicle including, but not limited to, 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 vacate this Decision and Order.

4. 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 _______ MAR 2 3 2006 ________

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By Carlito P. Caliboso, Chairman

By (EXCUSED) Wayne H. Kimura, Commissioner

APPROVED AS TO FORM:

Stacey Kawasaki Djou
Commission Counsel

05-0326 en
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 22349 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

JOHN E. COLE, EXECUTIVE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
P. O. Box 541
Honolulu, HI 96809

ACTION ADVENTURE TRAVEL, INC., dba
ACTION ADVENTURE TOURS
c/o STEPHEN JUAREZ
1223 Front Street
Lahaina, HI 96761

DATED: MAR 23 2006

Karen Higashi