

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
JACK'S TOURS, INC.)
For Temporary and Permanent)
Regular Route Authority.)
_____)

DOCKET NO. 2006-0390

DECISION AND ORDER NO. 22926

Filed October 5, 2006
At 12 o'clock P.M.

Bonnie K. Kane
for Chief Clerk of the Commission

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STATE OF HAWAII

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

Bonnie K. Kane

BEFORE THE PUBLIC UTILITIES COMMISSION
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In the Matter of the Application of)
JACK'S TOURS, INC.)
For Temporary and Permanent)
Regular Route Authority.)
_____)

Docket No. 2006-0390
Decision and Order No. 22926

DECISION AND ORDER

By this Decision and Order, the commission dismisses the application of JACK'S TOURS, INC. ("Applicant") for temporary and permanent authority to provide regular route shuttle service on the island of Hawaii, pursuant to a contract with the County of Hawaii ("County"), as the proposed service is not subject to the commission's jurisdiction, pursuant to Hawaii Revised Statutes ("HRS") § 51-1.

I.

Application for Temporary and Permanent Regular Route Authority

Applicant is the holder of certificate of public convenience and necessity number 5609-C ("Certificate No. 5609-C"). Certificate No. 5609-C authorizes Applicant to transport passengers by motor vehicle in the 1-to-7, 8-to-25, and over-25 passenger classifications over irregular routes on the islands of Kauai, Oahu, Maui, and Hawaii, excluding Waipio Valley.

On September 25, 2006, Applicant filed an application seeking commission approval for temporary and permanent authority to provide regular route shuttle service between Hilo and Waikoloa, with multiple pick-up stops along the way, in the 1-to-7, 8-to-25, and over-25 passenger classifications on the island of Hawaii. The proposed service is to be provided to the general public pursuant to a contract with the County. The County experienced a significant increase in rider-ship demand for shuttle service between Hilo and West Hawaii due in part to the fact that many residents who live in Hilo work on the other side of the island. Given the increased demand, the County would like to contract with commercial operators like Applicant to assist in serving the increased public need for transportation.

II.

Findings and Conclusions

HRS § 51-1 states in relevant part:

Every county shall have the power to provide mass transportation service, whether directly, jointly, or under contract with private parties, without the county or private parties being subject to the jurisdiction and control of the public utilities commission in any manner.

As Applicant's proposed service will be provided to the general public pursuant to a contract with the County, and its purpose is to alleviate the increased public need for transportation between Hilo and West Hawaii, the commission concludes that Applicant's proposed service is exempt from the

purview of the commission under HRS § 51-1 and our approval is not required.

III.

Orders

THE COMMISSION ORDERS:

1. Applicant's request for temporary and permanent authority to provide regular route service on the island of Hawaii pursuant to a contract with the County is dismissed, as the proposed service is exempt from the commission's purview pursuant to HRS § 51-1.

2. This docket is closed unless otherwise ordered by the commission.

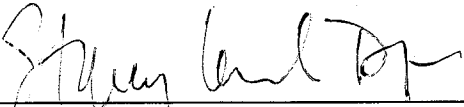
DONE at Honolulu, Hawaii OCT - 5 2006.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
John E. Cole, Commissioner

APPROVED AS TO FORM:


Stacey Kawasaki Djou
Commission Counsel


2006-0390.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 22926 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

JACK'S TOURS, INC.
c/o ALISA MIYAKE
737 Kanoelehua Avenue
Hilo, HI 96720



for Karen Higashi

DATED: OCT - 5 2006