BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)

TRANS HAWAIIAN - OAHU, INC. ) Docket No. 2006-0163
TRANS HAWAIIAN - MAUI, INC. )
TRANS HAWAIIAN - KAUAI, INC. )
TRANS HAWAIIAN - HAWAII, INC. )

To Sell, Lease, Assign, Mortgage or)
Otherwise Dispose of, or Encumber )
The Whole or Any Part of Its )
Property, Certificate, or Permit. )

DECISION AND ORDER NO. 22935

Filed Oct. 12, 2006
At 1 o'clock P.M.

Chief Clerk of the Commission

ATTEST: A True Copy

KAREN HIGASHI
Chief Clerk, Public Utilities
Commission, State of Hawaii.
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Otherwise Dispose of, or Encumber)
The Whole or Any Part of Its)
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DECISION AND ORDER

By this Decision and Order, the commission approves the transfer of the regular route service authorities held by TRANS HAWAIIAN - OAHU, INC. ("THO"), TRANS HAWAIIAN - MAUI, INC. ("THM"), TRANS HAWAIIAN - KAUAI, INC. ("THK"), and TRANS HAWAIIAN - HAWAII, INC. ("THH") (collectively "Transferors"), to ROBERT'S TOURS AND TRANSPORTATION, INC. ("Transferee").

I.
Application to Transfer Regular Route Authority

On June 16, 2006, Transferors filed an application seeking commission approval for the following actions: (1) to bifurcate certificate of public convenience and necessity number 822-C ("Certificate No. 822-C"), held by THO, by transferring the regular route service portion of its authority (authority to transport passengers by motor vehicle over regular
routes on the island of Oahu in the over-25 passenger classification, limited to providing service in the geographical zone extending from Kahala to the Ala Moana Shopping Center) to Transferee and surrendering the irregular route service portion of its authority (authority to transport passengers by motor vehicle over irregular routes on the island of Oahu in the 1-to-7, 8-to-25, and over-25 passenger classifications); (2) to bifurcate certificate of public convenience and necessity number 4536-C ("Certificate No. 4536-C"), held by THM, by transferring the regular route service portion of its authority (authority to transport passengers by motor vehicle over regular routes on the island of Maui in the (a) over-25 passenger classification, and (b) 8-to-25 passenger classification, limited to providing airport shuttle service between Kahului Airport and established points in Kaanapali and Lahaina) to Transferee and surrendering the irregular route service portion of its authority (authority to transport passengers by motor vehicle over irregular routes on the island of Maui in the 1-to-7, 8-to-25, and over-25 passenger classifications); (3) to bifurcate certificate of public convenience and necessity number 3534-C ("Certificate No. 3534-C"), held by THK, by transferring the regular route service portion of its authority (authority to transport passengers by motor vehicle over regular routes on the island of Kauai in the 1-to-7, 8-to-25, and over-25 passenger classifications) to Transferee and surrendering the irregular route service portion of its authority (authority to transport passengers by motor vehicle over irregular routes on the island
of Kauai in the 1-to-7, 8-to-25, and over-25 passenger classifications); (4) to bifurcate certificate of public convenience and necessity number 5673-C ("Certificate No. 5673-C"), held by THH, by transferring the regular route service portion of its authority (authority to transport passengers over regular routes on the island of Hawaii in the 1-to-7, 8-to-25, and over-25 passenger classifications, limited to providing service between the Kona and Kohala areas) to Transferee and surrendering the irregular route service portion of its authority (authority to transport 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, limited to utilizing motor vehicles with a maximum manufacturer's seating capacity of 17 passengers); and (5) to surrender Permit No. 5816-P,1 held by THH.

Transferor served copies of the application on the Hawaii Transportation Association and the Hawaii State Certified Common Carriers Association, Inc., which consist of carriers that may be affected by the proposed transfer, 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.

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1Permit No. 5816-P authorizes THH to transport military personnel and their baggage over irregular routes on the island of Hawaii in the 1-to-7, 8-to-25, and over-25 passenger classifications, pursuant to a contract with the U.S. Army.
II.

Findings and Conclusions

Upon review of Transferors' application, the commission finds that Transferee is fit, willing, and able to perform the regular route services once performed by Transferors, and that the proposed transfer of regular route authorities is just and reasonable and will be consistent with the public interest. Accordingly, the commission concludes that the proposed transfer is in accordance with HRS § 271-18, and should, therefore, be approved.

Furthermore, pursuant to HRS § 271-19, a certificate of public convenience and necessity or permit may be terminated, in whole or in part, upon application of the holder. The commission finds good cause to grant Transferors' request to surrender the irregular route service authorities granted in Certificate Nos. 822-C, 4536-C, 3534-C, and 5673-C, and Permit No. 5816-P.

III.

Orders

THE COMMISSION ORDERS:

1. Transferors' application to transfer the regular route service authorities granted in Certificate Nos. 822-C, 4536-C, 3534-C, and 5673-C, to Transferee is approved.

2. Transferors' authority to transport passengers by motor vehicle over irregular routes pursuant to Certificate Nos. 822-C, 4536-C, 3534-C, 5673-C, and Permit No. 5816-P, is terminated.
3. Transferee shall file a tariff that complies with Hawaii Administrative Rules chapter 6-63. Transferee’s tariff shall state the rates, schedules, and routes for all regular route service transferred to Transferee pursuant to this Decision and Order. Transferee shall file a tariff amendment whenever any new route is added within the geographical service area, or an existing route is discontinued or modified. Transferee is authorized to deviate occasionally from the route described in its tariff to accommodate customer requirements for a maximum of thirty (30) days. If the deviation continues for more than thirty (30) days, the route shall be deemed modified and Transferee must amend the route and schedule in its tariff to reflect the modification.

DONE at Honolulu, Hawaii OCT 12 2006.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By Carlito P. Caliboso, Chairman
By John E. Cole, Commissioner

APPROVED AS TO FORM:

Michael Kawasaki Djou
Commission Counsel
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 22935 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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TRANS HAWAIIAN - OAHU, INC.
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Counsel for ROBERT'S TOURS & TRANSPORTATION, INC.

DATED: OCT 12 2006

Karen Higashi