BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

In the Matter of the Request of) STANLEY HEGGLAND TRUONG, dba) SWAN TOURS

To Place Operating Authority on)

Inactive Status.

DOCKET NO. 2006-0385

ORDER NO. 23202

Filed <u>Jan. 17</u>, 2007 At <u>12</u> o'clock <u>P</u>.M.

Chief Clerk of the Commission

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

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Docket No. 2006-0385 Order No. 23202

ORDER

By this Order, the commission places certificate of public convenience and necessity no. 5738-C ("Certificate No. 5738-C"), held by STANLEY HEGGLAND TRUONG, dba SWAN TOURS ("Petitioner"), on inactive status for a period of twelve (12) months, effective from the date of this Order, pursuant to Hawaii Revised Statutes ("HRS") § 271-19(b).

I.

Request to Place Common Carrier Authority on Inactive Status

On September 22, 2006, Petitioner filed a letter requesting that Certificate No. 5738-C be placed on inactive status. Certificate No. 5738-C authorizes Petitioner to transport passengers by motor vehicle over irregular routes on the island of Hawaii, excluding Waipio Valley, in the 1-to-7 passenger classification.

Under HRS § 271-19(b), the commission may place a certificate on inactive status upon written request by a motor carrier, and for good cause shown. The inactive period, however,

may not exceed twelve (12) months. In addition, HRS § 271-19(b) provides that inactive status may only be granted for a cumulative period not to exceed two (2) years over the life of the certificate.

The commission finds that there is good cause to grant Petitioner's request. If Petitioner so desires, he may file, prior to the expiration of the inactive period granted by this Order, a request to extend his inactive status for up to one (1) additional year.

II.

<u>Orders</u>

THE COMMISSION ORDERS:

- 1. Petitioner's Certificate No. 5738-C is placed on inactive status for a period of twelve (12) months, effective from the date of this Order.
- 2. Pursuant to HRS § 271-19(b), if Certificate No. 5738-C is not reactivated prior to the expiration of the period of inactivity, it shall be declared abandoned and revoked. The request to reactivate Certificate No. 5738-C, along with the filing of all documents necessary for reactivation must be completed prior to the expiration of the inactivity period, or Certificate No. 5738-C shall be revoked.
- 3. Petitioner shall not transfer his inactive certificate unless Petitioner can first establish good cause to the commission for the transfer, and the commission has approved the request to transfer.

PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

APPROVED AS TO FORM:

Stacey Kawasaki Djou Commission Counsel

2006-0385.sl

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 23202 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

CATHERINE P. AWAKUNI
EXECUTIVE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
P. O. Box 541
Honolulu, HI 96809

STANLEY HEGGLAND TRUONG, dba MCBEATH TOURS 101 Waianuenue Avenue Hilo, HI 96720

Haren Higashi

DATED: JAN 1 7 2007