

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
)
 MAUI ECONOMIC OPPORTUNITY, INC.)
)
 For a Motor Carrier Certificate or)
 Permit.)
 _____)

DOCKET NO. 2007-0316

DECISION AND ORDER NO. 23883

Filed Dec. 13, 2007

At 12 o'clock P.M.

Karen Higashi
Chief Clerk of the Commission

RECEIVED

2007 DEC 14 A 8:46

DIV. OF CONSUMER ADVOCACY
DEPT. OF LABOR, LAND
& CONSUMER AFFAIRS
STATE OF HAWAII

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

K. Higashi

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
MAUI ECONOMIC OPPORTUNITY, INC.)
For a Motor Carrier Certificate or)
Permit.)
_____)

Docket No. 2007-0316
Decision and Order No. 23883

DECISION AND ORDER

By this Decision and Order, the commission authorizes MAUI ECONOMIC OPPORTUNITY, INC. ("Applicant") to extend its authority under Permit No. 4701-P to include the transportation of passengers over regular routes on the island of Maui in the 1-to-7, 8-to-25, and over-25 passenger classifications, pursuant to a contract with Hawaii Health Systems Corporation ("HHSC"), subject to certain conditions, as described herein.

I.

Application for Regular Route Authority

Applicant holds certificate of public convenience and necessity number 4575-C ("Certificate No. 4575-C") and Permit No. 4701-P.¹ On September 17, 2007, Applicant filed an

¹Certificate No. 4575-C authorizes Applicant to operate as a common carrier of passengers by motor vehicle over irregular routes on the islands of Maui, Molokai, and Lanai, in the 1-to-7 passenger classification, limited to providing transportation services to non-ambulatory passengers, and in the 8-to-25 and over-25 passenger classifications (no limitations). Permit No. 4701-P authorizes Applicant to operate as a contract carrier of passengers over irregular routes on the islands of

application seeking commission approval to extend its authority under Certificate No. 4575-C and Permit No. 4701-P to include regular route service as a contract carrier, under contract with HHSC, and as a common carrier, in the 1-to-7, 8-to-25, and over-25 passenger classifications, on the islands of Maui, Molokai, and Lanai. Applicant proposes to transport Maui Memorial Medical Center personnel over regular routes on the island of Maui pursuant to a contract with HHSC. The regular route, schedule, and stops are described more specifically in HHSC's proposal number FY07-029 included with the application.

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

In regard to Applicant's request for regular route authority as a contract carrier, we find, based upon our review of the record, that Applicant is fit, willing, and able to properly perform the proposed service, and to conform to Hawaii Revised Statutes ("HRS") chapter 271, and the requirements and rules of the commission. We also find that the proposed service

Maui, Molokai, and Lanai, in the 8-to-25 and over-25 passenger classifications, pursuant to a contract with the County of Maui.

will meet the distinct needs of HHSC, and, pursuant to HRS § 271-13, will be consistent with the public interest and the transportation policy declared in HRS chapter 271. The commission notes, however, that the request to operate over regular routes on the islands of Mokloakai and Lanai exceeds that required to perform the work stated in HHSC's proposal number FY07-029. Accordingly, we conclude that Applicant's request for regular route authority as a contract carrier should be granted, but that the authority be limited to the island of Maui.

With respect to Applicant's request for regular route authority as a common carrier, the commission notes that the proposed service over regular routes can be preformed as a contract carrier and that Applicant's request to operate as a common carrier exceeds the authority required to perform the proposed service. We, thus, find that Applicant's request for regular route authority as a common carrier is unnecessary and should be denied.

III.

Orders

THE COMMISSION ORDERS:

1. Applicant's request to operate as a contract carrier of passengers over regular routes on the islands of Molokai and Lanai in the 1-to-7, 8-to-25, and over-25 passenger classifications, is denied.

2. Applicant's request to operate as a common carrier of passengers over regular routes on the islands of Maui, Molokai, and Lanai, in the 1-to-7, 8-to-25, and over-25 passenger classifications, is denied.

3. Applicant is authorized to operate as a contract carrier of passengers over regular routes on the island of Maui in the 1-to-7, 8-to-25, and over-25 passenger classifications, pursuant to a contract with HHSC.


4. Applicant shall file a copy of its executed contract with HHSC. The contract must include all terms and conditions under which the transportation services are being provided, as well as the rates being charged.

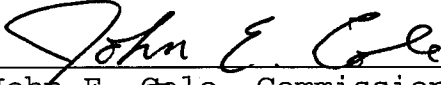
5. Applicant shall comply with the foregoing requirements within one hundred and twenty (120) days after service of this Decision and Order. Failure to comply within the time specified constitutes cause for this commission to vacate this Decision and Order.

6. Applicant shall not commence its regular route service on the island of Maui until it has received written confirmation from the commission that all requirements have been met.

DONE at Honolulu, Hawaii DEC 13 2007.


PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
John E. Cole, Commissioner

By 
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:


Stacey Kawasaki Djou
Commission Counsel

2007-0316

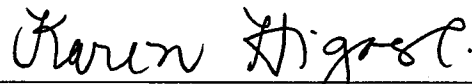
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 23883 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

MAUI ECONOMIC OPPORTUNITY, INC.
c/o SANANDA K. BAZ
P. O. Box 2122
Kahului, HI 96733

STEVEN HO/JOHN KNOREK
TORKILDSON, KATZ, FONSECA, MOORE & HETHERINGTON
700 Bishop Street, 15th Floor
Honolulu, HI 96813-4187



Karen Higashi

DATED: DEC 13 2007