

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
MITCHELL BERGER, dba)
GUIDES OF OAHU)
For a Motor Carrier Certificate or)
Permit.)
_____)

DOCKET NO. 2007-0325

DECISION AND ORDER NO. 23886

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 PROTECTION
DEPT. OF PUBLIC UTILITIES
1555 KALANIANA'OHU DRIVE
HONOLULU, 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)
)
MITCHELL BERGER, dba)
GUIDES OF OAHU)
)
For a Motor Carrier Certificate or)
Permit.)
_____)

Docket No.2007-0325
Decision and Order No. 23886

DECISION AND ORDER

By this Decision and Order, the commission grants MITCHELL BERGER, dba GUIDES OF HAWAII ("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 Oahu in the 8-to-25 passenger classification, subject to certain conditions, as described herein.

I.

Application for Common Carrier Authority

By application filed on September 27, 2007, and amended on October 3, 2007, Applicant requests a Certificate to operate as a common carrier of passengers by motor vehicle over irregular routes on the island of Oahu in the 8-to-25 passenger classification. The application is made pursuant to Hawaii Revised Statutes ("HRS") § 271-12.

Applicant 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 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 Oahu in the 8-to-25 passenger classification.

2. Applicant shall comply with all of the commission's requirements for common carriers by motor vehicle including, but not limited to, filing a lawful tariff, 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 he 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
Carlito P. Caliboso, Chairman

By John E. Cole
John E. Cole, Commissioner

APPROVED AS TO FORM:

Stacey Kawasaki Djou
Stacey Kawasaki Djou
Commission Counsel

Leslie H. Kondo
By Leslie H. Kondo
Leslie H. Kondo, Commissioner

2007-0325.1aa

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 23886 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

MITCHELL BERGER, dba
GUIDES OF OAHU
1288 Kapiolani Boulevard, #3303W
Honolulu, HI 96814



Karen Higashi

DATED: DEC 13 2007