BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
)
WAILUA RIVER GUIDES LLC ) DOCKET NO. 2007-0338
)
For a Motor Carrier Certificate or )
Permit. )

DECISION AND ORDER NO. 23910

Filed ___Dec. 19___, 2007
At ___12___ o'clock ___P___ .M.

Karen Higash
Chief Clerk of the Commission

ATTEST: A True Copy
KAREN HIGASHI
BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of
WAILUA RIVER GUIDES LLC
For a Motor Carrier Certificate or Permit.

Docket No. 2007-0338
Decision and Order No. 23910

DECISION AND ORDER

By this Decision and Order, the commission grants WAILUA RIVER GUIDES LLC ("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 Kauai in the 8-to-25 passenger classification, limited to utilizing motor vehicles with a maximum manufacturer's seating capacity of 15 passengers, and further limited to providing transportation services in conjunction with kayak or other water based activities. The Certificate is granted subject to certain conditions, as described herein.

I.
Application for Common Carrier Authority

On October 11, 2007, Applicant filed an application requesting a Certificate to operate as a common carrier of passengers by motor vehicle over irregular routes on the island of Kauai in the 8-to-25 passenger classification, limited
to utilizing motor vehicles with a maximum manufacturer’s seating
capacity of 15 passengers, and further limited to providing
transportation services in conjunction with kayak or other water
based activities. The application is made pursuant to
Hawaii Revised Statutes ("HRS") § 271-12.

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

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 Kauai in the 8-to-25 passenger classification, limited to utilizing motor vehicles with a maximum manufacturer’s seating capacity of 15 passengers, and further limited to providing transportation services in conjunction with kayak or other water based activities.

2. Applicant shall comply with all of the commission’s requirements for common carriers by motor vehicle including, but not limited to, 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 it has received written confirmation from the commission that all requirements have been met.
DONE at Honolulu, Hawaii DEC 19 2007.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By Carlito P. Caliboso, Chairman

John E. Cole, Commissioner

Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:

Stacey Kawasaki Djou
Commission Counsel

2007-0338
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 23910 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

WAILUA RIVER GUIDES LLC
c/o KEVIN KATZMANN
P. O. Box 1828
Kapaa, HI 96746

DATED: DEC 19 2007

Karen Higashi