

BEFORE THE PUBLIC UTILITIES COMMISSION  
 OF THE STATE OF HAWAII

In the Matter of the Application of)  
 )  
 KENNETH J. SMET, dba )  
 MARYLOUS BIG ISLAND GUIDED TOURS )  
 )  
 For a Motor Carrier Certificate or )  
 Permit. )  
 \_\_\_\_\_ )

DOCKET NO. 2007-0366

DECISION AND ORDER NO. 24039

Filed Feb. 19, 2008

At 2 o'clock P.M.

*Karen Higashi*

Chief Clerk of the Commission

RECEIVED

2008 FEB 20 A 8:36

DIV. OF CONSUMER ADVOCACY  
 DEPT. OF COMMERCE AND  
 CONSUMER AFFAIRS  
 STATE OF HAWAII

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

*K. Higashi*

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 Permit. )  
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Docket No. 2007-0366  
Decision and Order No. 24039

DECISION AND ORDER

By this Decision and Order, the commission grants KENNETH J. SMET, dba MARYLOUS BIG ISLAND GUIDED TOURS ("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 Hawaii, excluding Waipio Valley, in the 1-to-7 passenger classification, subject to certain conditions, as described herein.

I.

Application for Common Carrier Authority

On November 1, 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 Hawaii, excluding Waipio Valley, in the 1-to-7 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, 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 Hawaii, excluding Waipio Valley, in the 1-to-7 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 FEB 19 2008.

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

By Leslie H. Kondo  
Leslie H. Kondo, Commissioner

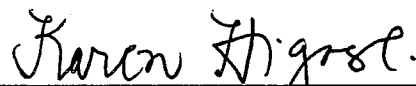
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CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 24039 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

KENNETH J. SMET,  
dba MARYLOUS BIG ISLAND GUIDED TOURS  
HC1 Box 5601  
Keaau, HI 96749

  
\_\_\_\_\_  
Karen Higashi

DATED: FEB 19 2008