

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
HAWAIIAN LANDMARK IMAGES, INC.)
For Temporary Common Carrier)
Authority.)
_____)

DOCKET NO. 2009-0030

DECISION AND ORDER

RECEIVED

2009 MAR -4 A 9:18

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

PUBLIC UTILITIES
COMMISSION

2009 MAR -3 A 9:49

FILED

II.

Findings and Conclusions

For a grant of temporary operating authority pursuant to HRS § 271-16, an applicant must satisfy two conditions. First, the applicant must establish that there is "an immediate and urgent need" for the proposed service. Second, the applicant must demonstrate "[an] absence of carrier service capable of meeting the need between points or in the territory where the temporary service will be instituted." See In re Robert's Tours & Transportation, Inc., Decision and Order No. 15274, Docket No. 96-0437 (December 23, 1996). Moreover, the commission may, at its discretion, grant temporary authority without hearings or other proceedings. HRS § 271-16.

Upon review, the commission finds that Applicant meets the criteria for temporary authority set forth in HRS § 271-16. First, the proposed service is immediately and urgently needed as the two tours proposed by Applicant, the "Kauai Photo Tour" and the "Kauai Paint for the Day Tour," are unique to the island of Kauai, and when offered will fulfill the present demand for these types of tours (see Applicant's seven [7] letters of support enclosed with its application). Second, Applicant represents that there is no motor carrier currently offering a photography or art tour on the island of Kauai. Letters of support from Gina Perez, Manager-Brennecke's Beach Center, and Heidi Lee, a vacation rentals owner, confirm that Applicant's proposed tours are not presently offered by other motor carriers on the island

of Kauai. In addition, the commission has no knowledge of any other motor carrier on the island of Kauai that provides tours, or intends to provide tours, similar to the ones proposed by Applicant. The commission, thus, concludes that Applicant's request for temporary operating authority should be granted without hearings or other proceedings in this docket.

Pursuant to HRS § 271-16, the commission may grant temporary authority to an applicant for no more than one hundred and twenty (120) days. The commission concludes, therefore, that since Applicant satisfied the requirements for a grant of temporary authority pursuant to HRS § 271-16, it should be granted temporary authority for a period of one hundred twenty (120) days.

III.

Orders

THE COMMISSION ORDERS:

1. Applicant is granted temporary authority to operate as a common carrier of passengers by motor vehicle over irregular routes on the island of Kauai in the 1-to-7 passenger classification. The temporary authority shall be valid for no more than one hundred twenty (120) days from the date of this Decision and Order, in accordance with HRS § 271-16. However, the temporary authority may be terminated for good cause, including, but not limited to, Applicant's failure to comply with the motor carrier laws or the commission's rules or orders.

2. Within fifteen (15) days after service of this Decision and Order, Applicant shall:

- a. Complete and submit the enclosed insurance forms: (a) Uniform Motor Carrier Bodily Injury and Property Damage Certificate of Insurance (WC-3539), and (b) Uniform Motor Carrier Bodily Injury and Property Damage Liability Endorsement (WC-3538). The forms should include the policy number and be completed and signed by Applicant's insurance agent or company; or they will be rejected.¹
- b. File a tariff in accordance with Hawaii Administrative Rules, Chapter 6-63.
- c. Complete and submit the enclosed "Vehicle Inventory List" form. Applicant shall list all vehicles that it intends to use in the proposed operation. The vehicles utilized must be registered under the name of the corporation. If Applicant chooses to lease any vehicle, it is required to complete and submit a "Motor Vehicle Equipment Lease" form. The form is available on the commission's website at www.hawaii.gov/budget/puc.
- d. Submit a copy of the current Certificate of Registration or ownership document for all vehicles listed on the Vehicle Inventory List.

3. Applicant shall comply with the foregoing requirements within fifteen (15) days after service of this Decision and Order. Failure to comply within the time specified may constitute 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.

¹An explanation of the liability insurance coverage requirements is attached to this Decision and Order.

DONE at Honolulu, Hawaii

MAR - 3 2009

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

2009-0030.ps

CERTIFICATE OF SERVICE

The foregoing order was served on the date of filing by mail, postage prepaid, and properly addressed to the following parties:

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EXECUTIVE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
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