In the Matter of the Application of)

SCOTT TRUONG, dba )
FANTASY LIMOUSINE
)

For Temporary Common Carrier
Authority.
)

DECISION AND ORDER
BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)

SCOTT TRUONG, dba )
FANTASY LIMOUSINE )
For Temporary Common Carrier )
Authority.
)

Docket No. 2009-0045

DECISION AND ORDER

By this Decision and Order, the commission denies the request of SCOTT TRUONG, dba FANTASY LIMOUSINE ("Applicant"), for temporary authority to operate as a common carrier of passengers by motor vehicle in the 1-to-7 passenger classification over irregular routes on the island of Oahu.

I.

Application for Temporary Common Carrier Authority

Applicant is a common carrier of passengers by motor vehicle in the 8-to-25 passenger classification over irregular routes on the island of Oahu. On March 2, 2009, Applicant filed an application requesting temporary authority to operate as a common carrier of property by motor vehicle in the 1-to-7 passenger classification over irregular routes on the island of Oahu. The application is made pursuant to Hawaii Revised Statutes ("HRS") § 271-16.

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.

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.

Based upon our review of the application, we find that
Applicant does not meet the criteria for temporary authority set
forth in HRS § 271-16. Applicant has not demonstrated that there
is an immediate and urgent need for his motor carrier service,
nor has he shown that no other motor carrier is able to provide
the motor carrier service proposed by Applicant. Thus, the
commission concludes that Applicant's request for temporary
authority should be denied.

2009-0045 2
III.

Orders

THE COMMISSION ORDERS:

1. Applicant's request for temporary authority to operate as a common carrier of passengers by motor vehicle in the 1-to-7 passenger classification over irregular routes on the island of Oahu is denied.

2. This docket is closed unless otherwise ordered by the commission.

DONE at Honolulu, Hawaii MAR - 6 2009.
CERTIFICATE OF SERVICE

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

CATHERINE P. AWAKUNI
EXECUTIVE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
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