

Transferor filed an application seeking commission approval to transfer Certificate No. 1611-C to Transferee and to extend the operating authority under Certificate No. 1611-C by removing the "limited to limousines" restriction in the 8-to-25 passenger classification on the island of Oahu.

Transferor served copies of the application on the Hawaii Transportation Association, and the Hawaii State Certified Common Carriers Association, Inc., which consists of carriers that may be affected by the proposed transfer and extension of authority, 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

Upon review of Transferor's application, the commission finds that Transferee is fit, willing, and able to perform the services presently performed by Transferor, and that the proposed transfer of Certificate No. 1611-C is just and reasonable and will be consistent with the public interest. Accordingly, the commission concludes that the proposed transfer is in accordance with Hawaii Revised Statutes ("HRS") § 271-18, and should, therefore, be approved.

The commission also finds that the proposed expansion of authority is required by the present and future public convenience and necessity and that Transferee 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. Accordingly, the commission concludes that the request for an expansion of authority should be granted.

III.

Orders

THE COMMISSION ORDERS:

1. Transferor's application to transfer Certificate No. 1611-C to Transferee is approved.

2. The request to extend the authority under Certificate No. 1611-C is approved. Transferee is authorized to operate as a common carrier of passengers by motor vehicle over irregular routes on the island of Oahu in the 1-to-7 and 8-to-25 passenger classifications.

3. Within one hundred and twenty (120) days after service of this Decision and Order, Transferee 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 Transferee's insurance agent or company; or they will be rejected.¹

b. File a tariff in accordance with Hawaii Administrative Rules, Chapter 6-63. As the application indicates that Applicant will be participating in the tariff published by the Hawaii State Certified Common Carriers

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

Association, Inc. ("HSCCCA"), Applicant shall submit a notarized copy of the Power of Attorney and a copy of the official written statement from HSCCCA confirming Applicant's membership in the tariff bureau.²

- c. Complete and submit the enclosed "Vehicle Inventory List" form. Transferee shall list all vehicles that it intends to use in the proposed operation. The vehicles utilized must be registered under the name of the limited liability company. If Transferee 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.

4. Within one hundred and twenty (120) days after service of this Decision and Order, Transferor shall:

- a. File his annual financial report for the period of operation from January 1, 2009, to the effective date of this Decision and Order, and pay the associated motor carrier gross revenue fee.

5. Transferor and Transferee 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 may constitute cause for this commission to vacate this Decision and Order.


6. Transferee shall not commence operations under this Decision and Order until it has received written confirmation from the commission that all requirements have been met.


²HSCCCA may be contacted at 554-9371 for more information.

DONE at Honolulu, Hawaii

JUN 23 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

2009-0075.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
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DIVISION OF CONSUMER ADVOCACY
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