

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of)  
USA TOUR CORPORATION )  
To Sell, Lease, Assign, Mortgage or )  
Otherwise Dispose of, or Encumber )  
The Whole or Any Part of Its )  
Property, Certificate, or Permit. )  

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DOCKET NO. 2009-0178

DECISION AND ORDER

**FILED**  
2009 OCT -6 A 8:24  
PUBLIC UTILITIES  
COMMISSION

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OF THE STATE OF HAWAII

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USA TOUR CORPORATION ) Docket No. 2009-0178  
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\_\_\_\_\_ )

DECISION AND ORDER

By this Decision and Order, the commission approves the transfer of certificate of public convenience and necessity number 1147-C ("Certificate No. 1147-C") from USA TOUR CORPORATION ("Transferor") to USA TOUR LLC ("Transferee"), subject to certain conditions, as described herein.

I.

Application to Transfer Common Carrier Authority

On August 6, 2009, Transferor filed an application seeking commission approval to transfer Certificate No. 1147-C to Transferee, pursuant to Hawaii Revised Statutes ("HRS") § 271-18. Under Certificate No. 1147-C, and pursuant to HRS § 271-12, Transferor is authorized to operate as a common carrier of passengers by motor vehicle over irregular routes on the island of Oahu in the 8-to-25 passenger classification.

Transferor served copies of the application on the Hawaii Transportation Association and the Hawaii State Certified

Common Carriers Association, Inc., which consist of carriers that may be affected by the proposed transfer, 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. 1147-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 HRS § 271-18, and should, therefore, be approved.

## III.

### Orders

#### THE COMMISSION ORDERS:

1. Transferor's application to transfer Certificate No. 1147-C to Transferee is approved.

2. 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 Applicant's insurance agent or company; or they will be rejected.<sup>1</sup>

- 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 Western Motor Tariff Bureau, Inc. ("WMTB"), Applicant shall submit an executed Rate and Tariff Agreement or a Tariff Scope Sheet confirming Applicant's membership in the tariff bureau.
- 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 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](http://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. Within one hundred and twenty (120) days after service of this Decision and Order, Transferor shall:

- a. File its 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.

4. 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

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

<sup>2</sup>WMTB may be contacted at 836-5874, or toll free at (866) 585-5874, for more information.


within the time specified may constitute cause for this commission to vacate this Decision and Order.

5. 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.


DONE at Honolulu, Hawaii OCT - 6 2009.


PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Carlito P. Caliboso, Chairman

By   
John E. Cole, Commissioner

APPROVED AS TO FORM:

  
Stacey Kawasaki Djou  
Commission Counsel

By   
Leslie H. Kondo, Commissioner

2009-0178.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:

CATHERINE P. AWAKUNI  
EXECUTIVE DIRECTOR  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
DIVISION OF CONSUMER ADVOCACY  
P. O. Box 541  
Honolulu, HI 96809

CHANG DONG YUH, PRESIDENT  
USA TOUR CORPORATION  
1451 S. King Street, #305  
Honolulu, HI 96814