

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
MOORE WATERTIME, LLC)
For Temporary Common Carrier)
Authority.)
_____)

DOCKET NO. 2009-0309

DECISION AND ORDER

FILED
2009 NOV 10 P 12:14
PUBLIC UTILITIES
COMMISSION

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
MOORE WATERTIME, LLC) Docket No. 2009-0309
For Temporary Common Carrier)
Authority.)
_____)

DECISION AND ORDER

By this Decision and Order, the commission grants MOORE WATERTIME, LLC ("Applicant") temporary authority to operate as a common carrier of passengers by motor vehicle over irregular routes on the island of Maui in the 8-to-25 passenger classification, limited to providing transportation services between Kahului Harbor and Lower Haiku, and subject to certain conditions, as described herein.

I.

Application for Temporary Common Carrier Authority

On October 26, 2009, Applicant filed an application requesting temporary authority to operate as a common carrier of passengers by motor vehicle over irregular routes on the island of Maui in the 8-to-25 passenger classification, limited to providing transportation services between Kahului Harbor and Lower Haiku. The application was filed pursuant to Hawaii Revised Statutes ("HRS") § 271-16.

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., Docket No. 96-0437, Decision and Order No. 15274 (December 23, 1996). Moreover, the commission may, at its discretion, grant temporary authority without hearings or other proceedings. HRS § 271-16.

Applicant proposes to provide a coastal shuttle service between Kahului Harbor and Lower Haiku for paddlers who paddle down the coast. Applicant represents that its proposed service is immediately and urgently needed as there is no present service on Maui that provides a coastal shuttle service for coast-run paddlers. Applicant's letters of support and petition enclosed with its application also represent that there is an immediate need for Applicant's service as there presently is no coastal shuttle service for coast-run paddlers on the island of Maui.

Upon review, the commission finds that Applicant meets the criteria for temporary authority set forth in HRS § 271-16, and, 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 Maui in the 8-to-25 passenger classification, limited to providing transportation services between Kahului Harbor and Lower Haiku. 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 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.
- 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 NOV 10 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

2009-0309.laa

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

MOORE WATERTIME, LLC
c/o KELLY MOORE
616 Hana Highway
Paia, HI 96779