

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of -----)
)
 BROADSTREAM CORPORATION)
)
 Notice of Failure to Comply)
 With Hawaii Revised Statutes)
 and Commission's Regulations)
 Order to Show Cause Why)
 Respondent's Operating)
 Authority Should Not Be)
 Suspended or Revoked.)
 _____)

DOCKET NO. 02-0308


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2002 DEC - 2 P 4: 15

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

DECISION AND ORDER NO. 19833

Filed Dec. 2, 2002
At 10 o'clock A. .M.


for Chief Clerk of the Commission

ATTEST: A True Copy
LEATRICE G. ASAHI
Clerk, Public Utilities
Commission, State of Hawaii.


BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of -----)	
BROADSTREAM CORPORATION)	Docket No. 02-0308
Notice of Failure to Comply)	
With Hawaii Revised Statutes)	Decision and Order No.19833
and Commission's Regulations)	
Order to Show Cause Why)	
Respondent's Operating)	
Authority Should Not Be)	
Suspended or Revoked.)	
_____)	

DECISION AND ORDER

By Order No. 19619, filed on September 30, 2002, the commission ordered BROADSTREAM CORPORATION (Respondent) to appear at 465 South King Street, Room B3, Honolulu, Hawaii 96813, at 9:00 a.m., on October 29, 2002 to show cause why Respondent's certificate of authority (COA) should not be suspended or revoked for failure to file an annual financial report, pursuant to Hawaii Administrative Rules § 6-80-91, and pay a public utility fee that was due on July 31, 2001 and December 31, 2001, pursuant to Hawaii Revised Statutes § 269-30.¹ The commission notified

¹The commission notified Respondent of the October 29, 2002 hearing by serving Order No. 19619 upon Respondent by certified mail, return receipt requested, at Respondent's last known address, or to Respondent's attorney. Pursuant to Hawaii Administrative Rules (HAR) § 6-61-21, service is deemed complete upon properly stamping, addressing, and mailing the order to Respondent's last known address, or to Respondent's attorney. Additionally, pursuant to HRS § 91-9.5, the commission provided Respondent with notice of the hearing via statewide publication in newspapers of general circulation on October 7 and October 14, 2002.

Respondent that its COA would be revoked if it failed to appear at the scheduled hearing.

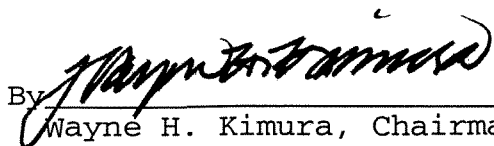
On October 29, 2002, Respondent failed to appear before the commission's hearings officer. As a result, the hearings officer recommended that: (1) Respondent be found in default for failure to appear at the hearing, and (2) Respondent's COA be revoked.

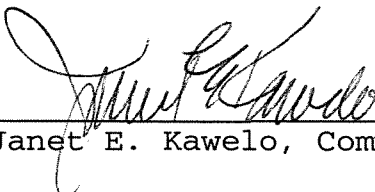
Based on the above, the commission finds that Respondent has not complied with Order No. 19619, the applicable laws, rules, and regulations, and concludes that Respondent's COA should be revoked.

THE COMMISSION ORDERS that Respondent's COA is revoked.

DONE at Honolulu, Hawaii this 2nd day of December, 2002.


PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Wayne H. Kimura, Chairman

By 
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

By (RECUSED)
Gregg J. Kinkley, Commissioner


Catherine P. Awakuni
Commission Counsel

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 19833 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

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

BROADSTREAM CORPORATION
4513 Pin Oak Court
Sioux Falls, SD 57103
(CM #7099 3220 0001 6485 0325)

Catherine Sakao
for _____
Karen Higashi

DATED: December 2, 2002