

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of -----)
)
 TON SERVICES, INC.)
)
 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. 02-0331

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

2003 JAN 15 P 4: 02

RECEIVED

DECISION AND ORDER NO. 19961

Filed Jan. 14, 2003
At 12:00 o'clock P .M.

Karen Higashi
Chief Clerk of the Commission

ATTEST: A True Copy
KAREN HIGASHI
Chief Clerk, Public Utilities
Commission, State of Hawaii.

K. Higashi

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of -----)		
)	
TON SERVICES, INC.)	Docket No. 02-0331
)	
Notice of Failure to Comply)	Decision and Order No. 19961
With Hawaii Revised Statutes)	
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. 19642, filed on September 30, 2002, the commission ordered TON SERVICES, INC. (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 for the year 2000, pursuant to Hawaii Administrative Rules § 6-80-91, and pay a public utility fee that was due on July 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. 19642 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. 19642, the applicable laws, rules, and regulations, and concludes that Respondent's COA should be revoked.

THE COMMISSION ORDERS that Respondent's COA is revoked.

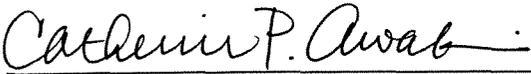
DONE at Honolulu, Hawaii this 14th day of January, 2003.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Wayne H. Kimura, Chairman

By 
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:


Catherine P. Awakuni
Commission Counsel

By (RECUSED)
Gregg J. Kinkley, Commissioner

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 19961 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

TON SERVICES, INC.
4185 Harrison Boulevard, Suite 301
Ogden, UT 84403
(CM #7002 1000 0004 5725 8430)



Karen Higashi

DATED: January 14, 2003