

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of -----))
)
 FOXTEL, INC.) Docket No. 04-0241
)
Notice of Failure to Comply) Order No. 21282
With Hawaii Revised Statutes)
and Commission's Regulations;)
Order to Show Cause Why)
Respondent's Operating)
Authority Should Not Be)
Suspended or Revoked.)
_____)

NOTICE OF VIOLATION, ORDER TO SHOW CAUSE, AND NOTICE OF HEARING

FOXTEL, INC. ("Respondent") is the holder of a certificate of authority ("COA"), issued pursuant to Hawaii Administrative Rules ("HAR") § 6-80-18. The commission authorized Respondent to operate as a reseller of intrastate telecommunications services in the State of Hawaii ("State") under the COA.

HAR § 6-80-91 requires Respondent to file an annual financial report ("AFR") by March 31 of each year. Hawaii Revised Statutes ("HRS") § 269-30 requires Respondent to pay a public utility fee ("Fee") in July and December of each year. Respondent failed to file its 2002 AFR and pay the Fee that was due on December 31, 2003.

HAR § 6-80-19 authorizes the commission, after notice and hearing, to suspend or revoke any COA, in part or in whole, if the commission finds the holder violated any applicable State

laws or commission rules. Accordingly, the commission may suspend or revoke Respondent's COA for failure to comply with the legal requirements set forth above, unless Respondent is able to show cause why such suspension or revocation should not occur.

THE COMMISSION ORDERS:

1. Respondent shall appear at 465 South King Street, Room B3, Honolulu, Hawaii 96813, at 9:00 a.m., on October 6, 2004 to show cause why Respondent's COA should not be suspended or revoked for failure to comply with the legal requirements set forth in this order.

2. Respondent may be represented by counsel. If Respondent does not retain counsel, Respondent may be represented at the hearing as follows: (a) an individual may appear on his or her own behalf; (b) a partner may represent a partnership; and (c) an officer or authorized employee of a corporation, trust, or association may represent the corporation, trust, or association.

3. If Respondent fails to appear at the scheduled hearing, Respondent's COA shall be revoked.

DONE at Honolulu, Hawaii this 7th day of September,
2004.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
Wayne H. Kimura, Commissioner

By 
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:


Catherine P. Awakuni
Commission Counsel

04-0241.sl

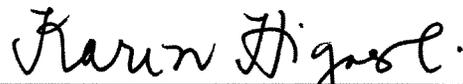
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 21282 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

ELIZABETH RASCO,
BILLING ADMINISTRATOR
FOXTEL, INC.
333 Holcomb Ave., Ste. 200
Reno, NV 89502

(CM #7003 1680 0002 5382 9413)



Karen Higashi

DATED: September 7, 2004