

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)
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 NO. 22520

Filed June 6, 2006

At 11 o'clock A.M.

for Eleanor R. Thiess
Chief Clerk of the Commission

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OFFICE OF CONSUMER ADVOCACY
PUBLIC UTILITIES AND
ENERGY AFFAIRS
STATE OF HAWAII

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OF THE STATE OF HAWAII

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Docket No. 04-0241
Decision and Order No. 22520

DECISION AND ORDER

By this Decision and Order, the commission revokes the certificate of authority ("COA") held by FOXTEL, INC. ("Respondent").

I.

Procedural History

Pursuant to Hawaii Administrative Rules ("HAR") § 6-80-91 and Hawaii Revised Statutes ("HRS") § 269-30, the commission ordered Respondent to 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 file its 2002 annual financial report and pay the public utility fee that was due on December 31,

2003.¹ The commission notified Respondent that its COA would be revoked if it failed to appear at the scheduled hearing.

On October 6, 2004, Respondent failed to appear before the commission's hearing officer. As a result, the hearing officer recommended that the commission render the following findings and conclusions: (1) Respondent be found in default for failure to appear at the hearing, and (2) Respondent's COA be revoked.

II.

Findings and Conclusions

Based on the entire record, the commission finds that Respondent has not complied with Order No. 21282, the applicable laws, rules, and regulations, and concludes that Respondent's COA should be revoked.

III.


Orders

THE COMMISSION ORDERS that Respondent's COA is revoked, and this docket is closed unless otherwise ordered by the commission.


¹The commission notified Respondent of the October 6, 2004 hearing by serving Order No. 21282 upon Respondent by certified mail, return receipt requested, at Respondent's last known address, or to Respondent's attorney. Pursuant to 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 hearing via statewide publication in newspapers of general circulation on September 14 and September 21, 2004.

DONE at Honolulu, Hawaii JUN - 6 2006.


PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By (EXCUSED)
Wayne H. Kimura, Commissioner

By 
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:


Catherine P. Awakuni
Commission Counsel

04-0241.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 22520 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

JOHN E. COLE, EXECUTIVE DIRECTOR
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 Avenue, Suite 200
Reno, NV 89502

for *Karen R. Higashi*
Karen Higashi

DATED: JUN - 6 2006