

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

----- In the Matter of ----- )  
 )  
COMM SOUTH COMPANIES, 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. 04-0237

DIV. OF CONSUMER ADVOCACY  
DEPT. OF LABOR, INDUSTRY AND  
CONSUMER AFFAIRS  
STATE OF HAWAII

2006 JUN -8 A 8:50

RECEIVED

DECISION AND ORDER NO. 22526

Filed June 7, 2006

At 11 o'clock A.M.

for Gleanes P. Huacosapa  
Chief Clerk of the Commission

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

----- In the Matter of -----) )  
 ) )  
 COMM SOUTH COMPANIES, INC. ) Docket No. 04-0237 )  
 ) )  
 Notice of Failure to Comply ) Decision and Order No. 22526 )  
 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 this Decision and Order, the commission vacates Order No. 21278, filed on September 7, 2004, in the matter of COMM SOUTH COMPANIES, INC. ("Respondent").

I.

History

By Order No. 21278, 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 certificate of authority should not be suspended or revoked for failure to file an annual financial report ("AFR") for 2003, pursuant to Hawaii Administrative Rules § 6-80-91, and pay the public utility fee ("Fee") that was due on December 31, 2003, pursuant to Hawaii Revised Statutes § 269-30.

On October 28, 2004, Respondent filed its 2003 AFR, and on November 9, 2004, paid its Fee that was due on December 31, 2003.

On August 15, 2005, Respondent filed a letter requesting commission approval to voluntarily surrender its COA. By Order No. 22100, filed on November 4, 2005, the commission approved Respondent's request.

## II.

### Findings and Conclusions

The surrender of Petitioner's COA by Order No. 22100 renders moot Order No. 21278, filed on September 7, 2004. We, thus, conclude that there is good cause to vacate Order No. 21278.

## III.

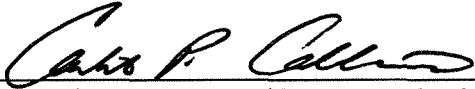
### Orders

THE COMMISSION ORDERS:

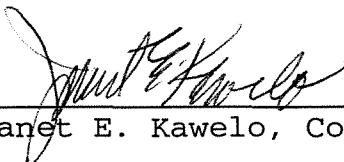
1. Order No. 21278 is vacated.
2. This Docket is closed unless otherwise ordered by the commission.

DONE at Honolulu, Hawaii JUN - 7 2006.

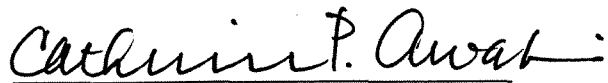
PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

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

04-0237.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 22526 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  
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DIVISION OF CONSUMER ADVOCACY  
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SHERI PRINGLE  
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Dallas, TX 75228

MARLA C. REYNOLDS  
CHAPTER 11 TRUSTEE  
COMM SOUTH COMPANIES, INC.  
8035 E.R.L. Thornton, Suite 410  
Dallas, TX 75228

*for Karen Higashi*  
\_\_\_\_\_  
Karen Higashi

DATED: JUN - 7 2006