

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of -----)
)
 EXERGY GROUP, LLC)
)
 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. 2006-0273

DECISION AND ORDER NO. 22941

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2006 OCT 17 A 9:44

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

Filed Oct. 16, 2006
At 10 o'clock A.M.

Karen Higuel.
Chief Clerk of the Commission

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

2006 OCT 16 P 9:30

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

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EXERGY GROUP, LLC) Docket No. 2006-0273
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Notice of Failure to Comply) Decision and Order No. 22941
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 revokes the certificate of authority ("COA") held by EXERGY GROUP, LLC ("Respondent").

I.

Procedural History

Pursuant to Hawaii Administrative Rules ("HAR") § 6-80-91, the commission ordered Respondent to appear at 465 South King Street, Room B3, Honolulu, Hawaii 96813, at 9:00 a.m., on September 28, 2006, to show cause why Respondent's COA should not be suspended or revoked for failure to file its 2004 annual financial report.¹ The commission notified

¹The commission notified Respondent of the September 28, 2006 hearing by serving Order No. 22748 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,

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

On September 28, 2006, 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. 22748, the applicable laws, rules, and regulations, and concludes that Respondent's COA should be revoked.

III.

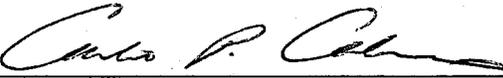
Orders

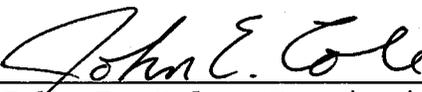
THE COMMISSION ORDERS that Respondent's COA is revoked, and this docket is closed unless otherwise ordered by the commission.

addressing, and mailing the order to Respondent's last known address, or to Respondent's attorney. Additionally, pursuant to Hawaii Revised Statutes § 91-9.5, the commission provided Respondent with notice of hearing via statewide publication in newspapers of general circulation on September 5 and September 12, 2006.

DONE at Honolulu, Hawaii OCT 16 2006.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
John E. Cole, Commissioner

APPROVED AS TO FORM:


for Stacey Kawasaki Djou
Commission Counsel

2006-0273.e

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 22941 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

EXERGY GROUP, LLC
1550 W. 84th Street, Suite 50
Hialeah, FL 33014



Karen Higashi

DATED: OCT 16 2006