

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of -----)
)
OPTICAL TELEPHONE CORPORATION)
)
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. 2006-0256
Decision and Order No. 22944

DECISION AND ORDER

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

I.

Procedural History

Pursuant to Hawaii Administrative Rules ("HAR") § 6-80-91, Hawaii Revised Statutes ("HRS") § 269-30, and Order No. 20193, 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 (1) file its 2003 and 2004 annual financial reports, (2) pay the public utility fee that was due on July 31, 2004, December 31, 2004, July 31, 2005, and December 31, 2005, and (3) pay its contribution to the telecommunications relay services fund that

was due on July 26, 2004, and July 26, 2005.¹ The commission notified 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. 22727, the applicable laws, rules, and regulations, and concludes that Respondent's COA should be revoked.

¹The commission notified Respondent of the September 28, 2006 hearing by serving Order No. 22727 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 5 and September 12, 2006.

III.

Orders

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

DONE at Honolulu, Hawaii OCT 17 2006.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By Carlito P. Caliboso
Carlito P. Caliboso, Chairman

By John E. Cole
John E. Cole, Commissioner

APPROVED AS TO FORM:

for Michael Ryan
Stacey Kawasaki Djou
Commission Counsel

2006-0256.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 22944 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

OPTICAL TELEPHONE CORPORATION
885 Woodstock Road, Suite 430
Roswell, GA 30075-2274



Karen Higashi

DATED: OCT 17 2006