





Hawaii Revised Statutes ("HRS") §§ 271-25, 271-36, and Hawaii Administrative Rules ("HAR") §§ 6-62-42(a), 6-62-24(a).<sup>1</sup> In its order, the commission notified Respondent that Certificate No. 1360-C would be suspended or revoked if it failed to appear at the scheduled hearing.

On November 20, 2007, Respondent failed to appear before the commission's hearing officer. As a result, the hearings officer recommended that: (1) Respondent be found in default for failure to appear at the hearing, and (2) Respondent's Certificate No. 1360-C be suspended for a period of three (3) months and thereafter be revoked if Respondent fails to file an AFR and pay the Fee for the year 2006.

## II.

### Findings and Conclusions

Based on the entire record, the commission finds that Respondent's failure to appear at the November 20, 2007 hearing constitutes a default in accordance with HAR § 6-68-23. Accordingly, because the commission can assume the facts alleged in Order No. 23740 are true in the event of a default, and such facts are in violation of the applicable laws, rules, and

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<sup>1</sup>The commission notified Respondent of the November 20, 2007 hearing by serving Order No. 23740 upon Respondent by certified mail, return receipt requested, at Respondent's last known address. 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 October 26, 2007 and November 2, 2007.

regulations noted above, the commission concludes that Respondent's Certificate No. 1360-C should be suspended for a period of three (3) months and thereafter be revoked if Respondent fails to file an AFR and pay the Fee for the year 2006.

III.

Orders


THE COMMISSION ORDERS:

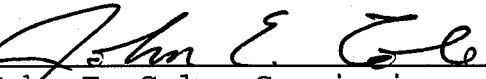
1. Certificate No. 1360-C is suspended for a period of three (3) months, effective from the date of this Order.


2. If Respondent fails to file an AFR and pay the Fee for the year 2006 by the time the suspension period has expired, i.e., three (3) months from the date of this Order, Certificate No. 1360-C shall be revoked.

DONE at Honolulu, Hawaii DEC 21 2007


PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Carlito P. Caliboso, Chairman

By   
John E. Cole, Commissioner

By   
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:

  
Stacey Kawasaki Djou  
Commission Counsel

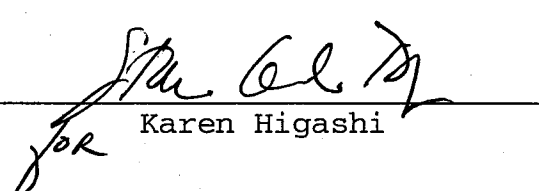
2007-0271.cp

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 23920 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

CATHERINE P. AWAKUNI  
EXECUTIVE DIRECTOR  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
DIVISION OF CONSUMER ADVOCACY  
P. O. Box 541  
Honolulu, HI 96809

DIETER UWE THATE, dba  
DIETER'S CREATIVE HAWAIIAN ISLE TOURS  
P. O. Box 1796  
Kailua, HI 96734-8796

  
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for Karen Higashi

DATED: DEC 21 2007