

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of -----)
)
NORTH SHORE WASTEWATER TREATMENT, 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. 2008-0236

NOTICE OF VIOLATION, ORDER TO SHOW CAUSE, AND NOTICE OF HEARING

RECEIVED

2008 OCT 16 A 8:58

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

PUBLIC UTILITIES
COMMISSION

2008 OCT 15 A 9:30

FILED

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of -----)
)
NORTH SHORE WASTEWATER TREATMENT, LLC) Docket No. 2008-0236
)
)
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.)
_____)

NOTICE OF VIOLATION, ORDER TO SHOW CAUSE, AND NOTICE OF HEARING

NORTH SHORE WASTEWATER TREATMENT, LLC ("Respondent") is the holder of a certificate of public convenience and necessity ("CPCN"), issued pursuant to Hawaii Revised Statutes ("HRS") § 269-7.5. The CPCN authorizes Respondent to provide wastewater services within its service area of Kahuku, on the island of Oahu.

Ordering Paragraph No. 5 of Decision and Order No. 21864, filed on June 14, 2005, in Docket No. 04-0298, requires Respondent to file an annual financial report ("AFR") by March 31 of each year. HRS § 269-30 requires Respondent to pay a public utility fee ("Fee") in July and December of each year. Respondent failed to file its 2006 AFR and pay the Fee (based on 2006 gross revenues) that was due on December 31, 2007.

HRS § 269-7.5(d) authorizes the commission, after notice and hearing, to suspend or revoke any CPCN, in whole or in

part, if the commission finds the holder to be in willful violation of any of the provisions of HRS § 269 or with any lawful order or rule of the commission adopted thereunder. Accordingly, the commission may suspend or revoke Respondent's CPCN for failure to comply with the legal requirements set forth above, unless Respondent is able to show cause why such suspension or revocation should not occur.

THE COMMISSION ORDERS:

1. Respondent shall appear at 465 South King Street, Room B-3, Honolulu, Hawaii 96813, at 9:00 a.m., on November 19, 2008, to show cause why Respondent's CPCN should not be suspended or revoked for failure to comply with the legal requirements set forth in this order.

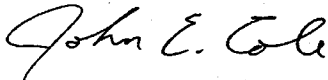
2. Respondent may be represented by counsel. If Respondent does not retain counsel, Respondent may be represented at the hearing as follows: (a) an individual may appear on his or her own behalf; (b) a partner may represent a partnership; and (c) an officer or authorized employee of a corporation, trust, or association may represent the corporation, trust, or association.


3. If Respondent fails to appear at the scheduled hearing, Respondent's CPCN shall be suspended or revoked.

DONE at Honolulu, Hawaii OCT 15 2008.

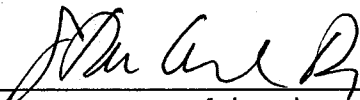
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By: 
Carlito P. Caliboso, Chairman

By: 
John E. Cole, Commissioner

By: 
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:


Stacey Kawasaki Djou
Commission Counsel

2008-0236.cp

CERTIFICATE OF SERVICE

The foregoing order was served on the date of filing by mail, postage prepaid, and properly addressed to the following parties:

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

NORTH SHORE WASTEWATER TREATMENT, LLC
57-091 Kamehameha Highway
Kahuku, HI 96731

(CM #7003 1680 0002 5382 9819)