

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

----- In the Matter of ----- )  
 )  
            WHERIFY WIRELESS, 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. 2008-0242

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

RECEIVED

2008 OCT 16 A 8:59

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

PUBLIC UTILITIES  
COMMISSION

2008 OCT 15 A 9:30

FILED

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OF THE STATE OF HAWAII

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            WHERIFY WIRELESS, INC.            )            Docket No. 2008-0242  
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NOTICE OF VIOLATION, ORDER TO SHOW CAUSE, AND NOTICE OF HEARING

WHERIFY WIRELESS, INC. ("Respondent") is the holder of a certificate of registration ("COA"), issued pursuant to Hawaii Administrative Rules ("HAR") § 6-80-18. The COR authorizes Respondent to provide resold wireless telecommunications services in the State of Hawaii ("State").

HAR § 6-80-91 requires Respondent to file an annual financial report ("AFR") by March 31 of each year. Hawaii Revised Statutes § 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 July 31, 2007 and December 31, 2007.

HAR § 6-80-19 authorizes the commission, after notice and hearing, to suspend or revoke any COR, in whole or in part, if the commission finds that the holder violated any applicable State laws, commission orders or rules. Accordingly, the

commission may suspend or revoke Respondent's COR 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 COR 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 COR 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

2008-0242.eh

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

WHERIFY WIRELESS, INC.  
2000 Bridge Parkway, Suite 201  
Redwood Shores, CA 94065

(CM #7006 0100 0002 0376 0031)