BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

TOTALAXCESS.COM, 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. 02-0332

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N. OF CONSUMER ADVOCAGE
DEPT. OF COMMERCE AND
CONSUMER AFFAIRS

DECISION AND ORDER NO. 19965

Filed <u>Jan. 14</u>, 2003 At <u>12:00</u> o'clock <u>P</u>.M.

Chief Clerk of the Commission

ATTEST: A True Copy
KAREN HIGASHI
Chief Clerk, Public Utilities
Communication, State of Hawaii.

DEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

----- In the Matter of -----)

TOTALAXCESS.COM, 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. 02-0332

Decision and Order No. 19965

DECISION AND ORDER

By Order No. 19643, filed on September 30, 2002, the commission ordered TOTALAXCESS.COM, INC. (Respondent) to appear at 465 South King Street, Room B3, Honolulu, Hawaii 96813, at 9:00 a.m., on October 29, 2002 to show cause why Respondent's certificate of authority (COA) should not be suspended or revoked for failure to file an annual financial report for the year 2000, pursuant to Hawaii Administrative Rules § 6-80-91, and pay a public utility fee that was due on July 31, 2001 and December 31, 2001, pursuant to Hawaii Revised Statutes § 269-30.1

^{&#}x27;The commission notified Respondent of the October 29, 2002 hearing by serving Order No. 19643 upon Respondent by certified mail, return receipt requested, at Respondent's last known address, or to Respondent's attorney. Pursuant to Hawaii Administrative Rules (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 the hearing via statewide publication in newspapers of general circulation on October 7 and October 14, 2002.

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

On October 29, 2002, Respondent failed to appear before the commission's hearings 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 COA be revoked.

Based on the above, the commission finds that Respondent has not complied with Order No. 19643, the applicable laws, rules, and regulations, and concludes that Respondent's COA should be revoked.

THE COMMISSION ORDERS that Respondent's COA is revoked.

DONE at Honolulu, Hawaii this 14th day of January, 2003.

> PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

Wayné H. Kimura, Chairman

Ву

Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

Gregg J. Kinkley, Commissioner

Commission Counsel

02-0332.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing <u>Decision and Order No. 19965</u> 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

TOTALAXCESS.COM, INC. 201 Clay Street Oakland, CA 94607

Karen Higash

DATED: January 14, 2003