

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

----- In the Matter of -----  
 )  
 INCOMNET COMMUNICATIONS )  
 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. 03-0337

DECISION AND ORDER NO. 21166

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

2004 JUL 26 A 8:55

RECEIVED

Filed July 22, 2004  
 At 11:00 o'clock A .M.

Karen Higashi  
 Chief Clerk of the Commission

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

K. Higashi

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

----- In the Matter of -----)		
INCOMNET COMMUNICATIONS	)	Docket No. 03-0337
CORPORATION	)	
Notice of Failure to Comply	)	Decision and Order No. 21166
With Hawaii Revised Statutes	)	
and Commission's Regulations	)	
Order to Show Cause Why	)	
Respondent's Operating	)	
Authority Should Not Be	)	
Suspended or Revoked.	)	

DECISION AND ORDER

The commission ordered INCOMNET COMMUNICATIONS CORPORATION ("Respondent") to appear at 465 South King Street, Room B3, Honolulu, Hawaii 96813, at 9:00 a.m., on November 26, 2003 to show cause why Respondent's certificate of authority ("COA") should not be suspended or revoked for failure to file its 2001 annual financial report, pursuant to Hawaii Administrative Rules ("HAR") § 6-80-91, and pay a public utility fee that was due on December 31, 2002, pursuant to Hawaii Revised Statutes ("HRS") § 269-30.<sup>1</sup> The commission notified Respondent

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<sup>1</sup>The commission notified Respondent of the November 26, 2003 hearing by serving Order No. 20538 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 the hearing via

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

On November 26, 2003, Respondent failed to appear before the commission's hearings officer. As a result, the hearings 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.

Based on the above, the commission finds that Respondent has not complied with Order No. 20538, the applicable laws, rules, and regulations, and concludes that Respondent's COA should be revoked.


THE COMMISSION ORDERS that Respondent's COA is revoked.

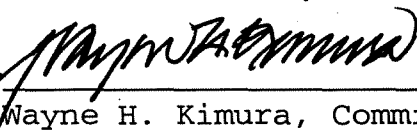
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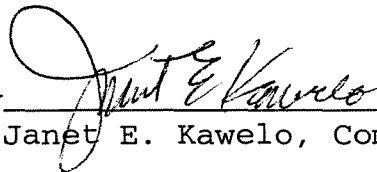
statewide publication in newspapers of general circulation on November 3 and November 10, 2003.

DONE at Honolulu, Hawaii this 22nd day of July, 2004.


PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Carlito P. Caliboso, Chairman

By   
Wayne H. Kimura, Commissioner

By   
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

  
Catherine P. Awakuni  
Commission Counsel

03-0337.cs

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 21166 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

INCOMNET COMMUNICATIONS CORPORATION  
2801 Main Street  
Irvine, CA 92614

(CM #7002 2030 0006 6812 6892)

  
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Karen Higashi

DATED: July 22, 2004