BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

-------- In the Matter of --------
FOXTEL, INC.                      DOCKET NO. 04-0241

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.

DECISION AND ORDER NO. 22520

Filed June 6, 2006
At 11 o'clock A.M.

for Chief Clerk of the Commission
BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

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

FOXTEL, INC.

Docket No. 04-0241

Notice of Failure to Comply
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and Commission's Regulations;
Order to Show Cause Why
Respondent's Operating
Authority Should Not Be
Suspended or Revoked.

DECISION AND ORDER

By this Decision and Order, the commission revokes the certificate of authority ("COA") held by FOXTEL, INC. ("Respondent").

I.

Procedural History

Pursuant to Hawaii Administrative Rules ("HAR") § 6-80-91 and Hawaii Revised Statutes ("HRS") § 269-30, the commission ordered Respondent to appear at 465 South King Street, Room B3, Honolulu, Hawaii 96813, at 9:00 a.m., on October 6, 2004, to show cause why Respondent's COA should not be suspended or revoked for failure to file its 2002 annual financial report and pay the public utility fee that was due on December 31,
The commission notified Respondent that its COA would be revoked if it failed to appear at the scheduled hearing.

On October 6, 2004, Respondent failed to appear before the commission's hearing 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.

II.

Findings and Conclusions

Based on the entire record, the commission finds that Respondent has not complied with Order No. 21282, the applicable laws, rules, and regulations, and concludes that Respondent's COA should be revoked.

III.

Orders

THE COMMISSION ORDERS that Respondent's COA is revoked, and this docket is closed unless otherwise ordered by the commission.

1The commission notified Respondent of the October 6, 2004 hearing by serving Order No. 21282 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 hearing via statewide publication in newspapers of general circulation on September 14 and September 21, 2004.
DONE at Honolulu, Hawaii JUN - 6 2006

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By ~Carlito P. Caliboso, Chairman

By (EXCUSED) Wayne H. Kimura, Commissioner

By Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

Catherine P. Awakuni
Commission Counsel
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 22520 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

JOHN E. COLE, EXECUTIVE DIRECTOR  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
DIVISION OF CONSUMER ADVOCACY  
P. O. Box 541  
Honolulu, HI  96809

ELIZABETH RASCO  
BILLING ADMINISTRATOR  
FOXTEL, INC.  
333 Holcomb Avenue, Suite 200  
Reno, NV  89502

DATED:  JUN - 6 2006

Karen Higashi