BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of

COMM SOUTH COMPANIES, INC.

DOCKET NO. 04-0237

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. 22526

Filed June 7, 2006
At 11 o'clock A.M.

for Chief Clerk of the Commission

2006 JUN-8 A 8:50

RECEIVED
By this Decision and Order, the commission vacates Order No. 21278, filed on September 7, 2004, in the matter of COMM SOUTH COMPANIES, INC. ("Respondent").

I.

History

By Order No. 21278, 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 certificate of authority should not be suspended or revoked for failure to file an annual financial report ("AFR") for 2003, pursuant to Hawaii Administrative Rules § 6-80-91, and pay the public utility fee ("Fee") that was due on December 31, 2003, pursuant to Hawaii Revised Statutes § 269-30.
On October 28, 2004, Respondent filed its 2003 AFR, and on November 9, 2004, paid its Fee that was due on December 31, 2003.

On August 15, 2005, Respondent filed a letter requesting commission approval to voluntarily surrender its COA. By Order No. 22100, filed on November 4, 2005, the commission approved Respondent’s request.

II.

Findings and Conclusions

The surrender of Petitioner’s COA by Order No. 22100 renders moot Order No. 21278, filed on September 7, 2004. We, thus, conclude that there is good cause to vacate Order No. 21278.

III.

Orders

THE COMMISSION ORDERS:

1. Order No. 21278 is vacated.

2. This Docket is closed unless otherwise ordered by the commission.
DONE at Honolulu, Hawaii JUN - 7 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. 22526 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

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DATED: JUN - 7 2006

[Signature]  
Karen Higashi