

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of -----)
)
 KILAUEA IRRIGATION CO., INC.)
)
 Notice of Failure to Comply)
 With Hawaii Revised Statutes)
 and Commission's Regulations;)
 Order to Show Cause Why)
 Respondent Should Not Be)
 Assessed a Fine.)
 _____)

DOCKET NO. 2007-0285

ORDER NO. 23776

Filed Oct. 26, 2007

At 11 o'clock A.M.

Karen Higrot.
Chief Clerk of the Commission

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2007 OCT 29 A 8:35

DIVISION OF PUBLIC UTILITIES AND
REGULATORY AFFAIRS
STATE OF HAWAII

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of -----))	
KILAUEA IRRIGATION CO., INC.)	Docket No. 2007-0285
Notice of Failure to Comply)	Order No. 23776
With Hawaii Revised Statutes)	
and Commission's Regulations;)	
Order to Show Cause Why)	
Respondent Should Not Be)	
Assessed a Fine.)	
_____)	

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

KILAUEA IRRIGATION CO., INC. ("Respondent") is an "operator" pursuant to Hawaii Revised Statutes ("HRS") § 269E-2.¹ HRS § 269E-6 authorizes the commission to assess fees on operators to finance the establishment and operation of the One Call Center. Pursuant to Decision and Order No. 23086, filed on November 28, 2006, in Docket No. 05-0195, Respondent was assessed a one-time registration fee in the amount of \$350.00² and ticket fees in the amount of \$1,117.77.³ Respondent failed to pay the registration fee and the ticket assessment fees (collectively, "Fees").

¹HRS § 269E-2 defines an "operator" as any person who owns, operates, or maintains a subsurface installation. "Subsurface installation" is defined as any pipeline, conduit, cable, duct, wire, sewer line, storm drain, vault, or other structure that is located underground.

²Due on or before February 1, 2007.

³Invoice number 6120017, dated January 15, 2007, in the amount of \$1,134.67, of which \$16.90 was paid, leaving a balance of \$1,117.77.

HRS § 269E-14 authorizes the commission to assess fines,⁴ after notice and hearing, to any operator who negligently violates, neglects, or fails in any particular instance to conform to or comply with any order or rule of the commission. Accordingly, the commission will assess a fine upon Respondent equal to ten (10) percent of the Fees owed for its failure to comply with the requirements set forth in Decision and Order No. 23086, unless Respondent is able to show cause why it should not be assessed a fine.

THE COMMISSION ORDERS:

1. Respondent shall appear at 465 South King Street, Room B3, Honolulu, Hawaii 96813, at 9:00 a.m., on November 20, 2007, to show cause why it should not be assessed a fine for failure to comply with Decision and Order No. 23086.

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.

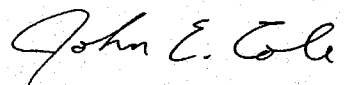
3. If Respondent fails to appear at the scheduled hearing, Respondent may be assessed a fine pursuant to HRS § 269E-14.


⁴Pursuant to HRS § 269E-14(b)(1), fines shall not exceed \$5,000 per day for each day such violation, neglect, or failure continues, provided that the maximum penalty for related violations arising out of the same act, omission, or occurrence shall not exceed \$100,000.

DONE at Honolulu, Hawaii OCT 26 2007.

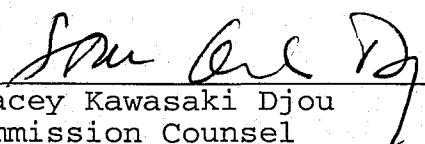
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By: 
Carlito P. Caliboso, Chairman

By: 
John E. Cole, Commissioner

By: 
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:

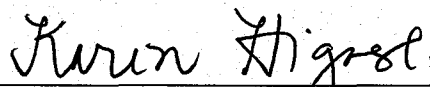

Stacey Kawasaki Djou
Commission Counsel
2007-0285.ac

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 23776 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

KILAUEA IRRIGATION CO., INC.
P. O. Box 61576
Honolulu, HI 96839
(CM #7003 0500 0002 9036 4203)



Karen Higashi

DATED: OCT 26 2007