# BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

In the Matter of	·)			
PHONETECH PCS, LLC	)	DOCKET	NO.	2007-0283
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	) ) ) ) )			
Suspended or Revoked.	) )	·		

DECISION AND ORDER NO. 23908

Filed <u>Dec. 19</u>, 2007 At <u>12</u> o'clock <u>P</u>.M.

Chief Clerk of the commission

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PHONETECH PCS, LLC

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. 2007-0283

Decision and Order No. 23908

### DECISION AND ORDER

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

I.

## Procedural History

By Order No. 23721, filed on October 15, 2007, the commission ordered Respondent to appear at 465 South King Street, Hawaii 96813, at Honolulu, 9:00 Room B3, November 20, 2007, to show cause why Respondent's COA should not be suspended or revoked for failure to pay the public utility fee that was due on July 31, 2006, pursuant to Hawaii Revised Statues Hawaii Administrative Rules § 269-30 and ("HRS") ("HAR") § 6-80-19.1 In its order, the commission notified

<sup>&#</sup>x27;The commission notified Respondent of the November 20, 2007 hearing by serving Order No. 23721 upon Respondent by certified

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

On November 20, 2007, Respondent failed to appear before the commission's hearing officer. As a result, the hearings officer recommended that: (1) Respondent is 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. 23721, and the applicable laws, rules, and regulations, and thus concludes that Respondent's COA should be revoked.

III.

## <u>Orders</u>

THE COMMISSION ORDERS:

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

mail, return receipt requested, at Respondent's last known address. 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 October 26, 2007 and November 2, 2007.

PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

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Carlito P. Caliboso, Chairman

John E. Cole

Cole, Commissioner

Ву

Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:

Stacey Kawasaki Djou Commission Counsel

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### CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing <u>Decision and Order No. 23908</u> upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

CATHERINE P. AWAKUNI
EXECUTIVE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
P. O. Box 541
Honolulu, HI 96809

PHONETECH PCS, LLC P. O. Box 9190 Midland, TX 79708

Karen Higashi

DATED: DEC 1 9 2007