

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of -----)
)
AIRNEX COMMUNICATIONS, INC.)
)
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. 2008-0234

DECISION AND ORDER

RECEIVED

2008 DEC -9 A 8:38

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

PUBLIC UTILITIES
COMMISSION

2008 DEC -8 A 11:27

FILED

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of -----)
AIRNEX COMMUNICATIONS, INC.)
Notice of Failure to Comply)
With Hawaii Revised Statutes)
and Commission's Regulations;)
Order to Show Cause Why)
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Authority Should Not Be)
Suspended or Revoked.)
_____)

Docket No. 2008-0234

DECISION AND ORDER

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

I.

History

By Notice of Violation, Order to Show Cause, and Notice of Hearing ("Notice"), filed on October 15, 2008, the commission ordered Respondent to appear at 465 South King Street, Room B-3, Honolulu, Hawaii 96813, at 9:00 a.m., on November 19, 2008, to show cause why Respondent's COA should not be suspended or revoked for failure to pay the public utility fee (based on 2006 gross revenues) that was due on July 31, 2007 and December 31, 2007, pursuant to Hawaii Revised

Statutes ("HRS") § 269-30 and Hawaii Administrative Rules ("HAR") § 6-80-19.¹

In the Notice, the commission notified Respondent that its COA would be revoked if it failed to appear at the scheduled hearing.

On November 19, 2008, Respondent failed to appear before the commission's hearing officer. As a result, the hearings officer recommended that: (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 our Notice, and the applicable laws, rules, and regulations, and thus concludes that Respondent's COA should be revoked.

¹The commission notified Respondent of the November 19, 2008 hearing by serving the Notice upon Respondent by certified 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 Notice 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 28, 2008 and November 4, 2008.

III.

Order

THE COMMISSION ORDERS:

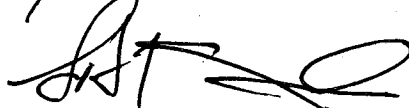
Respondent's COA is revoked, and this docket is closed unless otherwise ordered by the commission.

DONE at Honolulu, Hawaii DEC - 8 2008.

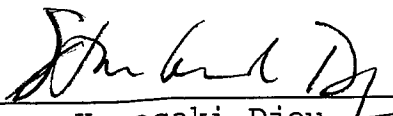
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
John E. Cole, Commissioner

By 
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:


Stacey Kawasaki Djou
Commission Counsel

2008-0234.ps

CERTIFICATE OF SERVICE

The foregoing order was served on the date of filing by mail, postage prepaid, and properly addressed to the following parties:

CATHERINE P. AWAKUNI
EXECUTIVE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
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