# BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

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

WHERIFY WIRELESS, INC.

Docket No. 2008-0242

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

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CONSUMER AFFAIRS
STATE OF HAWAII

PUBLIC UTILITIES
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#### DECISION AND ORDER

By this Decision and Order, the commission revokes the certificate of registration ("COR") held by WHERIFY WIRELESS, INC. ("Respondent").

I.

#### <u>History</u>

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 COR should not be suspended or revoked for failure to file its 2006 annual financial report and 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 Statues ("HRS") § 269-30 and Hawaii Administrative Rules ("HAR")

§§ 6-80-19, 6-80-91. In the Notice, the commission notified Respondent that its COR 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 COR 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 COR should be revoked.

III.

#### Order

THE COMMISSION ORDERS:

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

<sup>&#</sup>x27;The 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.

PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

By Callo P. Caliboso, Chairman

John E. Cole, Commissioner

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Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:

Stacey Kawasaki Djou Commission Counsel

2008-0242.laa

## 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
P. O. Box 541
Honolulu, HI 96809

WHERIFY WIRELESS, INC. 2000 Bridge Parkway, Suite 201 Redwood Shores, CA 94065