

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of -----)
)
KAHALA FIVE STAR INCORPORATED)
)
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. 2009-0268

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

PUBLIC UTILITIES
COMMISSION

2009 OCT 20 P 12:08

FILED

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KAHALA FIVE STAR INCORPORATED)	Docket No. 2009-0268
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With Hawaii Revised Statutes)	
and Commission's Regulations;)	
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Suspended or Revoked.)	
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NOTICE OF VIOLATION, ORDER TO SHOW CAUSE, AND NOTICE OF HEARING

KAHALA FIVE STAR INCORPORATED ("Respondent") is the holder of certificate of public convenience and necessity number 1890-C ("Certificate"), issued pursuant to Hawaii Revised Statutes ("HRS") § 271-12.

On May 15, 2009, Respondent was issued Citation No. 1282, with an accompanying civil penalty of \$500.00. Since Respondent did not pay the citation within fifteen (15) days of receipt of the citation or request a contested hearing on the citation within twenty (20) days of receipt of the citation, the citation was deemed to be a final order of the commission, pursuant to Hawaii Administrative Rules ("HAR") § 6-68-21(f)(1). The commission sent bills for collection to Respondent on June 17, 2009 and July 20, 2009, requesting payment of the penalty. Respondent has not complied with the commission's order in that it has failed to pay the penalty imposed by the commission.

HRS § 271-19 and HAR § 6-68-32(b) authorize the commission, after notice and hearing, to suspend or revoke any Certificate, in part or in whole, if the commission finds that the holder violated any provision of HRS chapter 271. Accordingly, the commission may suspend or revoke Respondent's Certificate for failure to comply with the legal requirements set forth above, unless Respondent is able to show cause why such suspension or revocation should not occur.

THE COMMISSION ORDERS:

1. Respondent shall appear at 465 South King Street, Room B-3, Honolulu, Hawaii 96813, at 9:00 a.m., on November 18, 2009, to show cause why Respondent's Certificate should not be suspended or revoked for failure to comply with the legal requirements set forth in this order.


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's Certificate shall be suspended or revoked.

DONE at Honolulu, Hawaii OCT 20 2009

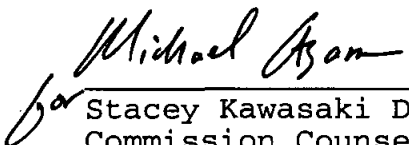
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By: 
Carlito P. Caliboso, Chairman

By: 
John E. Cole, Commissioner

By: 
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:


Stacey Kawasaki Djou
Commission Counsel

2009-0268.cp

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

KAHALA FIVE STAR INCORPORATED
P. O. Box 75175 (CM #7006 3450 0000 6241 1344)
Honolulu, HI 96836