

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of -----)
)
 TON SERVICES, INC., dba)
 FLYING J COMMUNICATIONS)
)
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. 2009-0276

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

2009 OCT 20 P 12: 09
PUBLIC UTILITIES
COMMISSION

FILED

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 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.))
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Docket No. 2009-0276

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

TON SERVICES, INC., dba FLYING J COMMUNICATIONS ("Respondent"), is the holder of a certificate of registration ("COR"), issued pursuant to Hawaii Administrative Rules ("HAR") § 6-80-18.

HAR § 6-80-91 requires Respondent to file an annual financial report ("AFR") by March 31 of each year. Hawaii Revised Statutes § 269-30 requires Respondent to pay a public utility fee ("Fee") in July and December of each year. Respondent failed to file its 2007 AFR and pay the Fees (based on 2007 gross revenues) that were due on July 31, 2008 and December 31, 2008.

HAR § 6-80-19 authorizes the commission, after notice and hearing, to suspend or revoke any COR, in whole or in part, if the commission finds that the holder violated any applicable Hawaii State laws, commission orders or rules. Accordingly, the

commission may suspend or revoke Respondent's COR 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 COR should not be suspended or revoked for failure to comply with the legal requirements set forth in this order.

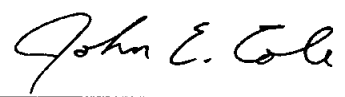
2. Respondent may be represented by counsel. If Respondent does not retain counsel, Respondent may be represented at the hearing as follows: (a) an individual may appear on his or her own behalf; (b) a partner may represent a partnership; and (c) an officer or authorized employee of a corporation, trust, or association may represent the corporation, trust, or association.


3. If Respondent fails to appear at the scheduled hearing, Respondent's COR 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

2009-0276.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

TON SERVICES, INC., dba (CM #7003 0500 0002 9036 3305)
FLYING J COMMUNICATIONS
4185 Harrison Blvd., Suite 301
Ogden, UT 84403