

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

ORDER REVOKING CERTIFICATE OF REGISTRATION

FILED
2009 DEC - 8 P 12:19
PUBLIC UTILITIES
COMMISSION

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TON SERVICES, INC., dba) Docket No. 2009-0276
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Authority Should Not Be))
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ORDER REVOKING CERTIFICATE OF REGISTRATION

By this Order, the commission revokes the certificate of registration ("COR") held by TON SERVICES, INC., dba FLYING J COMMUNICATIONS ("Respondent").

I.

History

By Notice of Violation, Order to Show Cause, and Notice of Hearing ("Notice"), filed on October 20, 2009, the commission ordered Respondent to 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 file its 2007 annual financial report and pay the public utility fee (based on 2007 gross revenues) that was due on July 31, 2008 and December 31, 2008, pursuant to Hawaii Revised Statutes ("HRS") § 269-30 and Hawaii

Administrative Rules ("HAR") §§ 6-80-19, 6-80-91.¹ In the Notice, the commission notified Respondent that its COR would be suspended or revoked if it failed to appear at the scheduled hearing.

On November 18, 2009, 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.

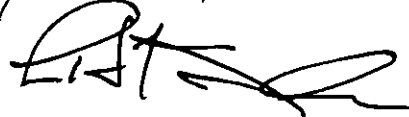
¹The commission notified Respondent of the November 18, 2009 hearing by serving the Notice upon Respondent by certified mail, return receipt requested, at Respondent's last known address. Pursuant to HAR § 6-61-21, service is deemed complete upon properly stamping, addressing, and mailing the Notice 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 26, 2009 and November 2, 2009.

DONE at Honolulu, Hawaii DEC - 8 2009.

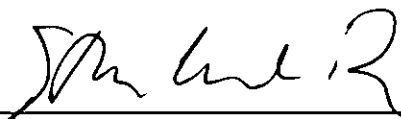
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

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.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
P. O. Box 541
Honolulu, HI 96809

TON SERVICES, INC., dba
FLYING J COMMUNICATIONS
4185 Harrison Blvd., Suite 301
Ogden, UT 84403