

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
)
NORTH BY NORTHEASTCOM LLC)
)
For a Certificate of Authority as a)
Telecommunications Reseller within)
the State of Hawaii.)
_____)

DOCKET NO. 02-0102

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

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DECISION AND ORDER NO. 19466

Filed July 15, 2002
At 8:00 o'clock A .M.

Karen Higashi
Chief Clerk of the Commission

ATTEST: A True Copy
KAREN HIGASHI
Chief Clerk, Public Utilities
Commission, State of Hawaii.

K. Higashi

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Docket No. 02-0102
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DECISION AND ORDER

I.

By an application filed on April 24, 2002, NORTH BY NORTHEASTCOM LLC (Applicant) requests that the commission grant it a certificate of authority (COA) to operate as a reseller of telecommunications services within the State of Hawaii (State). Applicant makes its request pursuant to Hawaii Revised Statutes (HRS) § 269-7.5 and Hawaii Administrative Rules (HAR) § 6-61-74.

Applicant served a copy of the application on the DIVISION OF CONSUMER ADVOCACY of the DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS (Consumer Advocate). By Statement of Position filed on June 10, 2002, the Consumer Advocate informed us that it does not object to the commission granting Applicant a COA to provide telecommunications services within the State. However, as discussed in further detail below, the Consumer Advocate does recommend a revision to Applicant's proposed tariff.

II.

Applicant is a Delaware limited liability company (LLC), authorized to conduct business in the State as a foreign LLC. It is a reseller of telecommunications services and has been in the telecommunications business since December 26, 2001.

Applicant intends to offer telecommunications services nationwide, and is currently in the process of obtaining authorization to do so. In Hawaii, Applicant intends to offer telecommunications services on a resold basis. Specifically, Applicant intends to offer nationwide directory assistance with call completion, long distance transport, and enhanced directory services.

III.

Upon review of the application, the commission makes the following findings pursuant to HAR § 6-80-18:

1. Applicant possesses sufficient technical, financial, and managerial resources and abilities to provide the proposed services;

2. Applicant is fit, willing, and able to properly perform the telecommunications services proposed and to conform to the terms, conditions, and rules prescribed or adopted by the commission; and

3. Applicant's proposed telecommunications services are in the public interest.

Accordingly, the commission concludes that Applicant should be granted a COA to provide resold intrastate

telecommunications services in the State. Furthermore, based on our review of the record, we agree with the Consumer Advocate and conclude that Applicant should make a revision to its proposed tariff. Specifically, the second sentence of section 6.1 (original page 22) should be amended to refer to the commission as the "Hawaii Public Utilities Commission" as opposed to the Hawaii Public Service Commission.

IV.

THE COMMISSION ORDERS:

1. Applicant is granted a COA to operate as a reseller of intrastate telecommunications services in the State.

2. As a holder of a COA, Applicant shall be subject to all applicable provisions of HRS chapter 269, HAR chapters 6-80 and 6-81, any other applicable State laws and commission rules, and any orders the commission may issue from time to time.

3. Applicant shall file tariffs in accordance with HAR §§ 6-80-39 and 6-80-40. Accordingly, among other things, Applicant's tariff shall take effect upon filing with the commission, pursuant to HAR § 6-80-40(a), since Applicant's telecommunications services are to be provided on a resold basis, which are fully competitive. Applicant shall ensure that the appropriate effective date is reflected in its tariffs. In the event of a conflict between any provision of a tariff and State law, State law shall prevail.

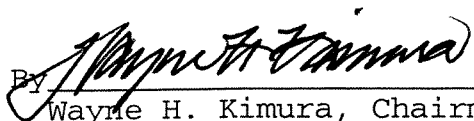
4. Applicant shall conform its proposed tariff to the provisions of HAR chapter 6-80 by, among other things, incorporating the tariff revision set forth in section III of this decision and order. An original and eight copies of the tariff, complete with the revised page, shall be filed with the commission, and two copies of the same shall be served on the Consumer Advocate.

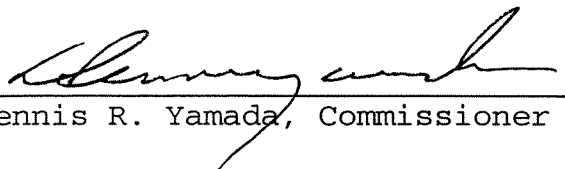
5. Within 30 days of the date of this decision and order, Applicant shall pay a public utility fee of \$60, pursuant to HRS § 269-30. Checks shall be made payable to the Hawaii Public Utilities Commission and sent to 465 South King Street, Room No. 103, Honolulu, Hawaii, 96813.

6. In accordance with HAR § 6-80-39, Applicant shall not offer, initiate, or provide any telecommunications services within the State, at wholesale or retail, until it complies with the requirements set forth in this decision and order.

DONE at Honolulu, Hawaii this 15th day of July, 2002.

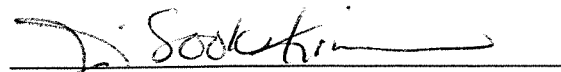
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

BY 
Wayne H. Kimura, Chairman

BY 
Dennis R. Yamada, Commissioner

APPROVED AS TO FORM:

BY (EXCUSED)
Janet E. Kawelo, Commissioner


Ji Sook Kim
Commission Counsel


CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 19466 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
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Catherine Sakato

DATED: July 15, 2002