

Applicant provides evidence of approval from the Department of Commerce and Consumer Affairs, Business Registration Division, to do business in the State.

II.

Applicant is a Delaware limited liability company authorized to do business in the State.¹

Applicant intends to provide resold wireless telecommunications services to subscribers within the State. Specifically, Applicant intends to resell Sprint PCS' wireless telecommunications services and offer other features tailored to the interests of its customer base.

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

¹On May 15, 2002, Applicant filed a copy of a certificate of authority issued by the Director of the Department of Commerce and Consumer Affairs, which stated that Applicant is registered to transact business in the State as a foreign limited liability company, effective April 25, 2002.

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, we conclude that Applicant should be granted a COA to provide resold wireless telecommunications within the State.

Additionally, based on our review of the proposed tariff, we also conclude that Applicant should revise its tariff as follows:²

1. Amend section II.C.2 on original page 10 by including the following verbiage to comport with HAR § 6-80-103(b):

If service is interrupted by a natural or other disaster beyond the control of the telecommunications carrier, the carrier shall make adjustments and refunds to its affected customers if service is not restored within 48 hours.

2. Amend all provisions related to Applicant's exemption from or limitation of liability (including indemnification) to include the provision that in the event of a conflict with State law, State law shall prevail.

3. Review and revise sections II.E.1 and 4 on original page 15 so that it is in compliance with HAR § 6-80-105, Customer Deposits.

²In addition, the issued and effective dates of Applicant's tariff should comply with HAR § 6-80-40.

4. Revise the late payment charge noted in section II.H.2 on original page 17 so that the late payment fee charged customers on any past due balance is not more than one per cent per month.

5. Review and revise sections II.I.2 and 3 on original page 18 to comport with HAR § 6-80-106. Specifically, Applicant should omit verbiage allowing it to terminate service "without cause" and insert the various causes and events warranting termination that are detailed at HAR § 6-80-106.

6. Add provisions to include the information set forth in HAR §§ 6-80-107(1) and (4), respectively.

7. Add provisions to detail all applicable rates and/or charges for each service, consistent with HAR § 6-80-17(c)(1)(D). If the rate for a certain service is not currently available, then Applicant has the option of removing this service from its initial tariff to be filed, then later amending its tariff to include the deleted service and applicable rate, consistent with HAR §§ 6-80-39 and 6-80-40.

IV.

THE COMMISSION ORDERS:

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

2. As a holder of a COA, Applicant shall be subject to all applicable provisions of the Hawaii Revised Statutes

chapter 269, HAR chapter 6-80 and chapter 6-81, and other applicable State law and commission rules, and any orders that the commission may issue from time to time.

3. Applicant shall file tariffs in accordance with HAR §§ 6-80-39 and 6-80-40. Applicant's tariffs shall comply with the provisions of HAR chapter 6-80. In the event of a conflict between any tariff provision and State law, State law shall prevail.


4. Applicant shall conform its initial tariff to the applicable provisions of HAR chapter 6-80 by, among other things, incorporating the tariff revisions set forth in section III of this decision and order. An original and eight copies of the initial tariff, with the noted revisions, shall be filed with the commission, and two additional copies shall be served on the Consumer Advocate. Applicant shall ensure that the appropriate effective date is reflected in its tariffs.


5. Within 30 days from the date of this decision and order, Applicant shall pay a public utility fee of \$60, pursuant to HRS § 269-30. The business check shall be made payable to the Hawaii Public Utilities Commission, and sent to the commission's office at 465 South King Street #103, Honolulu, HI, 96813.


6. In accordance with HAR § 6-80-39, Applicant will not offer, initiate, or provide any telecommunications services within the State, at wholesale or retail, until it complies with the requirements set forth in paragraphs 3 to 5, above.

DONE at Honolulu, Hawaii this 22nd day of July, 2002.

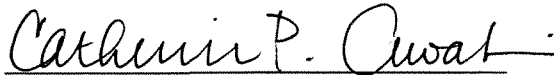
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Wayne H. Kimura, Chairman

By 
Dennis R. Yamada, Commissioner

By 
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:


Catherine P. Awakuni
Commission Counsel

02-0074.eh

CERTIFICATE OF SERVICE


I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 19475 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

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DATED: July 22, 2002