

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
TELEFYNE INCORPORATED)
For a Certificate of Authority to)
Operate as a Reseller of Intrastate)
Telecommunications Services Within)
the State of Hawaii.)
_____)

DOCKET NO. 02-0169

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DIV. OF CONSUMER PROTECTION
DEPT. OF COMMERCE
CONSUMER AFFAIRS

DECISION AND ORDER NO. 19543

Filed August 28, 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. 02-0169
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DECISION AND ORDER

I.

By application filed on June 27, 2002, TELEFYNE INCORPORATED (Applicant) requests a certificate of authority (COA) to provide intrastate telecommunications services within the State of Hawaii (State) on a resold basis. Applicant makes its request pursuant to Hawaii Administrative Rules (HAR) §§ 6-80-17 and 6-80-18.

A copy of the application was served on the Department of Commerce and Consumer Affairs, Division of Consumer Advocacy (Consumer Advocate). By position statement filed on August 14, 2002, the Consumer Advocate does not object to the issuance of a COA to Applicant, subject to certain revisions to sections 3.6 and 4.10 of Applicant's tariff. In response thereto, Applicant, on August 23, 2002, submitted revised tariff sheets for its proposed sections 3.6 and 4.10.

II.

Applicant is a Nevada corporation authorized to do business in the State as a foreign corporation. It is duly authorized to provide: (1) interstate and international telecommunication services in all 50 states and the District of Columbia; and (2) intrastate services in 45 states. In Hawaii, Applicant intends to: (1) initially offer only prepaid calling card service; and (2) later expand its services to include long distance, toll-free, and travel card.

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 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 operate as a reseller of intrastate telecommunications services.

Based on our review of the proposed tariff, Applicant should revise its tariff by removing from section 2.3.3, the

sentence stating that "No other liability in any event shall attach to the Company."

Applicant requests that "its books and records be kept in the State of Florida, however, Applicant will make such information available to the Commission." This request is consistent with HAR § 6-80-136(a)(3), and the commission's approval is not necessary.

IV.

THE COMMISSION ORDERS:

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

2. As the holder of a COA, Applicant shall be subject to all applicable provisions of Hawaii Revised Statutes (HRS) chapter 269, HAR chapters 6-79, 6-80, and 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 its 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 revision set forth in section III of this decision and order. An original and eight copies of the initial tariff, with the noted revision, 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.

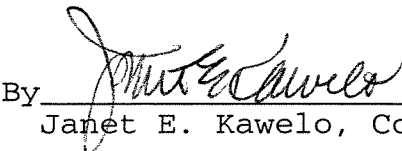
5. Within 30 days from the date of this decision and order, Applicant shall pay a public utility fee of \$60, pursuant to HRS § 269-30. The business check shall be made payable to the Hawaii Public Utilities Commission, and sent to the commission's office at 465 S. King Street #103, Honolulu, HI, 96813.

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 28th day of August, 2002.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Wayne H. Kimura, Chairman

By 
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

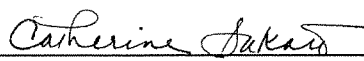

Michael Azama
Commission Counsel

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 19543 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
P. O. Box 541
Honolulu, HI 96809

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Catherine Sakato

DATED: August 28, 2002