

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of)  
NUI TELECOM, INC. )  
For a Certificate of Authority to )  
Provide Intrastate )  
Telecommunications Services Within )  
the State of Hawaii and for )  
Approval of its Initial Tariff. )  
\_\_\_\_\_ )

DOCKET NO. 02-0195

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

DECISION AND ORDER NO. 19838

Filed Dec. 2, 2001  
At 2 o'clock P. .M.

*Kris Hays*  
for Chief Clerk of the Commission

ATTEST: A True Copy  
LEATRICE G. ASAHI  
Clerk, Public Utilities  
Commission, State of Hawaii.

*Leatrice G. Asahi*

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of )  
NUI TELECOM, INC. ) Docket No. 02-0195  
For a Certificate of Authority to ) Decision and Order No. 19838  
Provide Intrastate )  
Telecommunications Services Within )  
the State of Hawaii and for )  
Approval of its Initial Tariff. )  

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DECISION AND ORDER

I.

By application filed on July 30, 2002, NUI TELECOM, INC. (Applicant), requests a certificate of authority (COA) to provide resold intrastate telecommunications services within the State of Hawaii (State) and for approval of its initial tariff, pursuant to Hawaii Revised Statutes (HRS) §§ 269-7.5 and 269-16, and Hawaii Administrative Rules (HAR) § 6-80-17.

Copies of the application were served on the Department of Commerce and Consumer Affairs, Division of Consumer Advocacy (Consumer Advocate). By position statement filed on October 16, 2002, the Consumer Advocate does not object to approval of the application.

II.

Applicant, a New Jersey corporation, is authorized to do business in the State as a foreign corporation. Applicant

represents that it is authorized to provide telecommunications services in 42 states. Applicant proposes to offer a full range of "1+" intrastate telecommunications on a resale basis, specifically, MTS, out-WATS, in-WATS, and Calling Card 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, we conclude that Applicant should be granted a COA to operate as a reseller of intrastate telecommunications services. Additionally, based on our review of the proposed tariff, we also conclude that Applicant should revise its proposed tariff pursuant to HAR § 6-80-40(a), which states that an applicant's tariff is effective upon filing with the commission. Therefore, the proposed tariff's issue date is unacceptable. In accordance with HAR § 6-80-40(a), applicant should insert an issued date upon submission of its revised tariff.

Applicant also asks that it be allowed to keep its books and records out of the State, noting that it will promptly make these materials available to the commission upon request. 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 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 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 tariff shall comply with the provisions of HAR chapter 6-80. 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 revisions set forth in section III of this decision and order into the original tariff. An original and eight copies of the tariff, complete with the revised pages, shall be delivered to 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

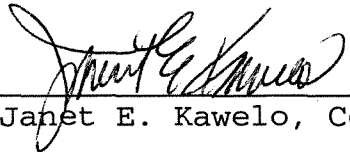
HRS § 269-30. Checks shall be made payable to the Hawaii Public Utilities Commission, at 465 South King Street, Honolulu, Hawaii, 96813.

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 2nd day of December , 2002.

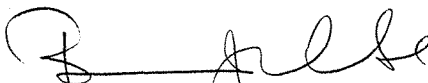
PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Wayne H. Kimura, Chairman

By   
Janet E. Kawelo, Commissioner

By (RECUSED)  
Gregg J. Kinkley, Commissioner

APPROVED AS TO FORM:

  
Benedyne S. Stone  
Commission Counsel

02-0195.sl

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 19838 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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PATRICK D. CROCKER  
EARLY, LENNON, CROCKER & BARTOSIEWICZ, P.L.C.  
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Kalamazoo, MI 49007-4752

*Catherine Sakata*  
for \_\_\_\_\_  
Karen Higashi

DATED: December 2, 2002