

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
DIRECT TELEPHONE COMPANY, INC.)
To Amend its Certificate of Authority.)
_____)

DOCKET NO. 02-0209

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2002 DEC -4 P 4: 21

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

DECISION AND ORDER NO. 19840

Filed Dec. 4, 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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
DIRECT TELEPHONE COMPANY, INC.) Docket No. 02-0209
To Amend its Certificate of) Decision and Order No. 19840
Authority.)
_____)

DECISION AND ORDER

I.

DIRECT TELEPHONE COMPANY, INC. (Applicant) is an authorized reseller of telecommunications services in the State of Hawaii (State), pursuant to a commission-issued certificate of authority (COA).¹ Applicant was issued COA-01-0460 by the commission.

By application filed on August 9, 2002, Applicant seeks the issuance of a new COA to include, in addition to its resold authority, the authority to provide intrastate telecommunications services as a facilities-based carrier.

The commission will treat the application as a request to amend its existing COA, consistent with the intent of Hawaii Revised Statutes (HRS) § 269-7.5(d).²

¹See Decision and Order No. 19265, filed on March 25, 2002, in Docket No. 01-0460.

²HRS § 269-7.5 governs the issuance of certificates of public convenience and necessity (CPCN) to public utilities. Subsection (d) authorizes the commission to amend a CPCN upon application of the certificate holder. Pursuant to the commission's telecommunications rules, chapter 6-80, Hawaii Administrative Rules (HAR), effective June 3, 1996,

A copy of the application was sent to the Department of Commerce and Consumer Affairs, Division of Consumer Advocacy (Consumer Advocate).³ On October 22, 2002, Applicant submitted its updated financial statements, in response to the commission's directive. By position statement filed on November 27, 2002, the Consumer Advocate does not object to commission approval of the application.

II.

Applicant, currently a telecommunications reseller, seeks to expand its authority to include the provision of facilities-based services in the State. Applicant intends to provide facilities-based services utilizing the unbundled network elements platform of the incumbent telecommunications carrier.

Applicant incorporates by reference the case file in Docket No. 01-0460. If its amended COA is approved, Applicant intends to adopt its existing, approved tariff, without change.⁴

telecommunications carriers are now issued COAs or certificates of registration by the commission, in lieu of CPCNs. See HAR §§ 6-80-17 and 6-80-18.

³See commission's letter, dated August 27, 2002; Consumer Advocate's letter, dated September 3, 2002.

⁴In Docket No. 01-0460, Applicant, on July 3, 2002, submitted its initial, compliance tariff with the commission, which incorporated the revisions recommended by the Consumer Advocate and commission. Applicant's tariff was allowed to take effect, as proposed, on July 5, 2002. See Order No. 19488, filed on July 25, 2002.

III.

The commission begins by taking administrative notice of Docket No. 01-0460. There, Applicant incorporated the changes to its proposed tariff recommended by the Consumer Advocate and commission.⁵

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 facilities-based carrier and reseller of intrastate telecommunications services.

IV.

THE COMMISSION ORDERS:

1. Applicant is granted a COA to operate as a facilities-based carrier and reseller of intrastate telecommunications services in the State.

⁵See footnote 4, supra.

2. As the holder of a COA, Applicant shall be subject to all applicable provisions of HRS chapter 269, HAR chapters 6-80 and 6-81, and other applicable State laws 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.

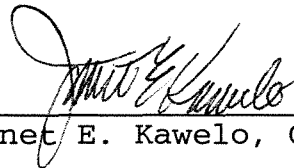
4. Applicant shall ensure that the appropriate effective date is reflected in its tariffs.

5. Applicant shall surrender its existing COA-01-460, and an amended COA reflecting the operating authority granted by this decision and order shall be issued.

DONE at Honolulu, Hawaii this 4th 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:


Michael Azama
Commission Counsel

02-0209.ah

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 19840 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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Karen Higashi

DATED: December 4, 2002