

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of )  
 )  
PACIFIC LIGHTNET, INC., )  
 )  
Complainant, )  
 )  
vs. )  
 )  
VERIZON HAWAII INC., )  
 )  
Respondent. )  
\_\_\_\_\_ )

DOCKET NO. 03-0027

ORDER NO. 20113

Filed April 7, 2003  
At 11:30 o'clock A.M.

Karen Higashi  
Chief Clerk of the Commission

RECEIVED  
2003 APR -7 P 4:17  
DIV. OF CONSUMER ADVOCACY  
DEPT. OF COMMERCE AND  
CONSUMER AFFAIRS  
STATE OF HAWAII

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	)	
	)	
PACIFIC LIGHTNET, INC.,	)	Docket No. 03-0027
	)	
Complainant,	)	Order No. 20113
	)	
vs.	)	
	)	
VERIZON HAWAII INC.,	)	
	)	
Respondent.	)	
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ORDER

I.

By Complaint filed on February 5, 2003, PACIFIC LIGHTNET, INC. (PLNI) requests the commission issue an order requiring VERIZON HAWAII INC. (Verizon Hawaii) make payment to PLNI using one of the following methods of calculation: (1) an equitable sharing of the costs of PLNI's interconnection facilities from the point of interconnection (POI) on Verizon Hawaii's network on each island to the PLNI tandem in Honolulu, based on their respective traffic balance, in accordance with Hawaii Administrative Rules (HAR) § 6-80-49(8), 47 C.F.R. § 51.703(b) and 47 C.F.R. § 51.709(b), retroactive from May 18, 2000, plus interest or (2) a 50 per cent/50 per cent cost-sharing of PLNI's interconnection facilities from the POI on Verizon Hawaii's network on each island to PLNI's point of presence on each island, in accordance with an October 14, 1998 letter agreement

(letter agreement), retroactive from May 18, 2000 through the effective date of a new interconnection agreement between the parties, plus interest.<sup>1</sup> PLNI filed a Motion for Protective Order (motion) contemporaneously with its complaint, by which it requested that the commission issue a protective order covering Count I and a portion of Count II of the complaint.

PLNI served copies of its complaint and motion upon the Division of Consumer Advocacy, Department of Commerce and Consumer Affairs (Consumer Advocate).

On February 12, 2003, Verizon Hawaii filed a Memorandum in Opposition (memorandum) to PLNI's motion, requesting that the commission deny PLNI's motion, in part, with respect to the letter agreement and grant PLNI's motion, in part, with respect to the submission of traffic volume information. Verizon Hawaii explained it intends to file the letter agreement along with subsequent letters as part of the existing interconnection agreement between the parties, rendering part of PLNI's request for seal moot.

PLNI replied to Verizon Hawaii's memorandum on February 19, 2003.

On March 24, 2003, the commission filed Protective Order No. 20092, which generally covers specific information that may be identified by PLNI or Verizon Hawaii as confidential.

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<sup>1</sup>PLNI requests that in either case, Verizon Hawaii make payment based on a percentage of PLNI's tariffed T-1 entrance facility rate plus distance-sensitive rates, where applicable.

In light of Verizon Hawaii's disclosure of the letter agreement and in accordance with Protective Order No. 20092, PLNI re-filed its complaint with the commission on March 28, 2003. Upon review, the commission finds that the re-submitted complaint substantially complies with HAR § 6-61-67 and concludes that Verizon Hawaii should answer the re-submitted complaint within twenty days of this order.

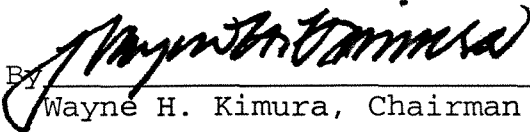
II.

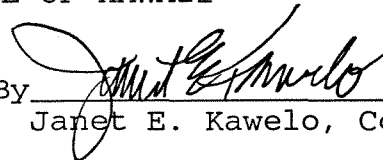
THE COMMISSION ORDERS:

1. PLNI's re-submitted complaint, filed on March 28, 2003, substantially complies with HAR § 6-61-67.
2. Verizon Hawaii shall answer the re-submitted complaint, attached hereto, within twenty days of this order.

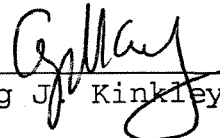
DONE at Honolulu, Hawaii this 7th day of April, 2003.

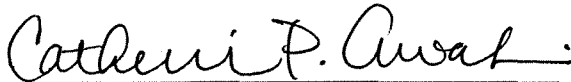
PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Wayne H. Kimura, Chairman

By   
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

By   
Gregg J. Kinkley, Commissioner

  
Catherine P. Awakuni  
Commission Counsel

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 20113 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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P. O. Box 2200  
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\_\_\_\_\_  
Karen Higashi

DATED: April 7, 2003