

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
)
TRANSCOM COMMUNICATIONS, INC.)
)
Application for a Certificate of)
Authority to Provide Intrastate)
Interexchange Telecommunications)
Services Within the State of Hawaii)
and for Approval of its Initial)
Tariff.)
_____)

DOCKET NO. 03-0013

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

2003 APR -9 P 4:24

RECEIVED

DECISION AND ORDER NO. 20115

Filed April 8, 2003
At 2:00 o'clock P.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))	
TRANSCOM COMMUNICATIONS, INC.)	Docket No. 03-0013
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DECISION AND ORDER

I.

By an application filed on January 15, 2003, TRANSCOM COMMUNICATIONS, INC. (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.

Copies of the application were served on the Division of Consumer Advocacy, Department of Commerce and Consumer Affairs (Consumer Advocate). By position statement filed on March 19, 2003, the Consumer Advocate states that it does not object to approval of the application, provided that Applicant revises certain provisions of its tariff and files

current financial statements with a copy to the Consumer Advocate.¹

II.

Applicant is a Texas corporation authorized to do business in the State.

Applicant intends to provide "1+" and 101XXXX outbound dialing, inbound "800"/"888" toll-free, travel card services, and prepaid 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

¹Applicant submitted financial statements dated December 31, 2001 as Exhibit D to its application. On February 10, 2003, the commission wrote to Applicant to request updated financial statements, dated no more than three months from the date of the application, in accordance with HAR § 6-80-17(c)(1)(E). On March 24, 2003, Applicant filed copies of its financial statement for the year ended December 2002 and the month ended January 31, 2003.

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.

Based on our review of the proposed tariff and Consumer Advocate's concerns, Applicant should revise its tariff as follows:

1. Amend Section 4.4 to include a full description of what the \$1.00 one-time maintenance fee will represent. In addition, if the aforementioned \$1.00 fee will be assessed by subtracting it from the calling card's balance, Applicant must clearly state the method of assessment on the card to inform potential customers of the fee and method of assessment.

2. Amend Section 2.3.3 by removing 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 Texas and assures the commission that such information will be made 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 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 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 paragraphs 3 to 5, above.

DONE at Honolulu, Hawaii this 8th day of April, 2003.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Wayne H. Kimura, Chairman

By 
Janet E. Kawelo, Commissioner

By 
Gregg J. Kinkley, Commissioner

APPROVED AS TO FORM:


Catherine P. Awakuni
Commission Counsel

03-0013.ah

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 20115 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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Karen Higashi

DATED: April 8, 2003