

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

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2003 MAY -8 P 4: 13

In the Matter of the Application of )  
GLOBAL COMMUNICATIONS )  
CONSULTING CORP. )  
For a Certificate of Authority to )  
Provide Intrastate )  
Telecommunications Services Within )  
the State of Hawaii and For Approval )  
of Its Initial Tariff. )  
\_\_\_\_\_ )

DIV. OF CONSUMER ADVOCACY  
DEPT. OF COMMERCE AND  
CONSUMER AFFAIRS  
STATE OF HAWAII  
DOCKET NO. 03-0073

DECISION AND ORDER NO. 20176

Filed May 8, 2003  
At 11:00 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. 03-0073  
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DECISION AND ORDER

I.

By an application filed on March 21, 2003, GLOBAL COMMUNICATIONS CONSULTING CORP. (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 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 April 11, 2003, the Consumer Advocate states that it does not object to approval of the application, subject to a qualification.<sup>1</sup>

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<sup>1</sup>The Consumer Advocate notes that, as of April 11, 2003, Applicant failed to submit financial statements in accordance with HAR § 6-80-17(c)(1)(E). Nonetheless, we deem this issue or

## II.

Applicant is a Delaware corporation<sup>2</sup> authorized to do business in the State as a foreign corporation.

Applicant intends to provide a full range of "1+" intrastate telecommunications services statewide as a reseller. Specifically, Applicant proposes to provide MTS, out-WATS, in-WATS, and Calling Card services. Applicant is also in the process of requesting authority from the Federal Communications Commission to offer domestic interstate and international services in all 50 states and the District of Columbia as a non-dominant carrier.

## III.

Upon review of the application, the commission makes the following findings pursuant to HAR § 6-80-18(a):

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

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qualification raised by the Consumer Advocate in its position statement to be moot since the record indicates that Applicant sufficiently complied with HAR § 6-8-17(c)(1)(E) on April 22, 2003.

<sup>2</sup>The commission notes although the instant application initially represents that Applicant is a California corporation, the record, particularly Exhibits A and B, indicates that Applicant is a Delaware corporation.

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, we also conclude that Applicant's proposed tariff requires the following revisions:

1. Amend Section 2.3.3 on original sheet 12 by removing the sentence "No other liability in any event shall attach to the Company."
2. Amend Section 2.6 on original sheet 15 by including the following verbiage to comport with HAR § 6-80-103(b):

If service is interrupted by a natural or other disaster beyond the control of the telecommunications carrier, the carrier shall make adjustments and refunds to its affected customers if service is not restored within forty-eight hours.

Applicant requests that its books and records be kept in the State of Utah 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 HRS chapter 269, HAR, chapters 6-80 and 6-81, 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. Accordingly, among other things, to the extent Applicant provides telecommunications services on a resold basis which are fully competitive, Applicant's tariff shall take effect upon filing with the commission, pursuant to HAR § 6-80-40(a). Applicant shall ensure that the appropriate effective date is reflected in its tariff. In the event of a conflict between any provision of Applicant's 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. The tariff revisions shall be incorporated into the original tariff. An original and eight copies of the tariff, complete with the revised pages, shall be filed with 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 and sent to 465 South King Street, Suite 103, Honolulu, Hawaii, 96813.

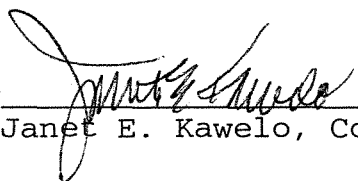
6. In accordance with HAR § 6-80-39, Applicant shall not offer, initiate or provide any telecommunications services within the State, at wholesale or retail, until it complies with the requirements set forth in this decision and order.

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

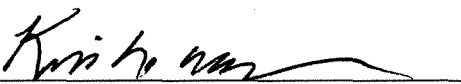
PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Carlito P. Caliboso, Chairman

By \_\_\_\_\_ (EXCUSED)  
Wayne H. Kimura, Commissioner

By   
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

  
Kris N. Nakagawa  
Commission Counsel

03-0073.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 20176 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

PATRICK D. CROCKER, ESQ.  
EARLY, LENNON, CROCKER & BARTOSIEWICZ, P.L.C.  
900 Comerica Building  
Kalamazoo, MI 49007-4752

  
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Karen Higashi

DATED: May 8, 2003