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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
NOW COMMUNICATIONS, INC.)
For a Certificate of Authority to)
Provide Intrastate (Local and Long)
Distance) Telecommunications)
Services.)
_____)

DOCKET NO. 02-0396

DECISION AND ORDER NO. 20200

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

2003 MAY 28 P 4:31

RECEIVED

Filed May 28, 2003
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)
NOW COMMUNICATIONS, INC.) Docket No. 02-0396
For a Certificate of Authority to) Decision and Order No. 20200
Provide Intrastate (Local and Long)
Distance) Telecommunications)
Services.)
_____)

DECISION AND ORDER

I.

By an application filed on November 6, 2002, NOW COMMUNICATIONS, INC. (Applicant) requests that the commission grant it a certificate of authority (COA) to operate as a reseller of intrastate telecommunications services in the State of Hawaii (State). Applicant makes its request pursuant to Hawaii Administrative Rules (HAR) chapter 6-80.

Copies of the application were served on the Department of Commerce and Consumer Affairs, Division of Consumer Advocacy (Consumer Advocate). By Statement of Position filed on November 19, 2002, the Consumer Advocate informs us that it does not object to the approval of the application, provided that certain tariff concerns are addressed.

II.

Applicant is a Mississippi corporation, authorized to conduct business in the State as a foreign corporation. It was incorporated on February 29, 1996 and maintains its principal

offices in Lawrenceville, Georgia. In Hawaii, Applicant intends to offer local exchange and intrastate long distance telecommunications services on a resold basis.

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

3. Applicant's proposed telecommunications services are in the public interest.

Accordingly, the commission concludes that Applicant should be granted a COA to provide resold intrastate telecommunications services in the State. Furthermore, based on our review of the record including, but not limited to, Applicant's proposed tariff and the Consumer Advocate's concerns, we also conclude that Applicant should make the following revisions to its proposed tariff.

1. Section 1 (Technical Terms and Abbreviations; original page 9) defines the term "Processing Fee"; however, Applicant's proposed tariff does not state an amount for this cost item. For clarity, Applicant should state the exact cost for "Processing Fee" or delete this definition from Section 1.

2. Sections 2.13.7 (Billing and Payment; original page 15) and 2.18.4 (Denial of Service with Notice; original page 17) should be reviewed for consistency with HAR § 6-80-102(e). This rule states that a carrier may not consider a customer's bill past due unless it remains unpaid for twenty calendar days after the billing date stated on the bill. Upon review, Applicant should amend these sections, as necessary.
3. Section 2.13.7 (Billing and Payment; original page 15) should be reviewed and for consistency with HAR § 6-80-100. This rule lists certain information that must be set forth in the customer's bill. Section 2.13.7 states that Applicant "may set forth" the listed information. This section of Applicant's proposed tariff should be amended, accordingly.

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 Hawaii Revised Statutes (HRS) chapter 269, HAR chapters 6-80 and 6-81, any other applicable State laws and commission rules, and any orders 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 shall ensure that the appropriate effective date is reflected in its tariff. 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 revision set forth in section III of

this decision and order. An original and eight copies of the tariff 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. Any checks shall be made payable to the Hawaii Public Utilities Commission and sent to 465 South King Street, Room No. 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.

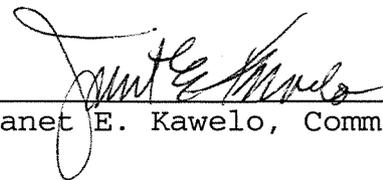
DONE at Honolulu, Hawaii this 28th day of May, 2003.

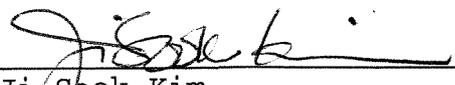
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
Wayne H. Kimura, Commissioner

APPROVED AS TO FORM:

By 
Janet E. Kawelo, Commissioner


Ji Sook Kim
Commission Counsel

02-0396.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 20200 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

R. SCOTT SEAB, ESQ.
VICE PRESIDENT - REGULATORY AFFAIRS
NOW COMMUNICATIONS, INC.
711 South Tejon Street, Suite 201
Colorado Springs, CO 80903



Karen Higashi

DATED: May 28, 2003