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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. 20233

Filed June 16, 2003
At 10:00 o'clock A.M.

Karen Higashi
Chief Clerk of the Commission

DIV. OF CONSUMER ADVOCACY
DEPT. OF CONSUMER AFFAIRS
CORPORATE SERVICES
1505 KALANOAU AVE., SUITE 200
HONOLULU, HI 96813

2003 JUN 16 P 4:19

RECEIVED

ATTEST: A True Copy
KAREN HIGASHI
Chief Clerk, Public Utilities
Commission, State of Hawaii.

K. Higashi

from May 18, 2000 through the effective date of a new interconnection agreement between the parties, plus interest.¹

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

By Order No. 20113 ("Order No. 20113"), filed on April 7, 2003, the commission, among other things, requested that Verizon Hawaii answer the Complaint within 20 days of Order No. 20113.

On April 28, 2003, Verizon Hawaii filed a Motion to Dismiss Complaint ("Motion to Dismiss"), pursuant to HAR § 6-61-69(a),² alleging, among other things, that the dispute is properly subject to a valid and enforceable arbitration provision in the interconnection agreement between the parties.

On May 7, 2003, PLNI filed an Opposition to Verizon Hawaii's Motion to Dismiss Complaint ("Opposition") in which it states, among other things, that Verizon Hawaii's refusal to pay any of PLNI's invoices is evidence of Verizon Hawaii's adoption of a policy position with PLNI that it will not pay for interconnection facilities riding PLNI's network.

Upon a review of Verizon Hawaii's Motion to Dismiss and PLNI's Opposition, the commission finds that additional information

¹PLNI 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.

²HAR § 6-61-69 (a) also provides that if a motion to dismiss is filed before the answer, the commission shall set the date for filing the answer when it rules upon the motion.

relating to the Motion to Dismiss and Opposition would assist the commission in the disposition of Verizon Hawaii's Motion to Dismiss. Accordingly, the commission concludes that Verizon Hawaii should be allowed to reply to PLNI's Opposition, within five days of this order. If Verizon Hawaii chooses not to file a reply, the commission will consider Verizon Hawaii's Motion to Dismiss as ready for disposition.


II.

THE COMMISSION ORDERS that Verizon Hawaii may reply to PLNI's Opposition, filed on May 7, 2003, within five days of this order.

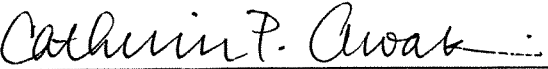
DONE at Honolulu, Hawaii this 16th day of June, 2003.

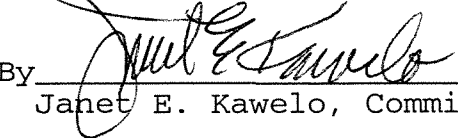
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
Wayne H. Kimura, Commissioner

APPROVED AS TO FORM:


Catherine P. Awakuni
Commission Counsel

By 
Janet E. Kawelo, Commissioner

03-0027.ac

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 20233 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
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LESLIE ALAN UEOKA, ESQ.
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P. O. Box 2200
Honolulu, HI 96841



Karen Higashi

DATED: June 16, 2003