

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)
)
TIME WARNER TELECOM OF HAWAII, L.P.,)
dba OCEANIC COMMUNICATIONS)
)
For a Declaratory Ruling or to)
Reclassify Certain Services as)
Partially Competitive.)
_____)

DOCKET NO. 04-0082

ORDER NO. 20969

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

2004 MAY 10 P 3:54

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Filed May 10, 2004
At 1:30 o'clock P .M.

Karen Higzel.
Chief Clerk of the Commission

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OF THE STATE OF HAWAII

In the Matter of the Petition of)
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TIME WARNER TELECOM OF HAWAII, L.P.,)
dba OCEANIC COMMUNICATIONS) Docket No. 04-0082
)
For a Declaratory Ruling or to) Order No. 20969
Reclassify Certain Services as)
Partially Competitive.)
_____)

ORDER

I.

Background

TIME WARNER TELECOM OF HAWAII, L.P., dba OCEANIC COMMUNICATIONS ("Oceanic"), seeks a declaratory ruling that certain business services it provides are inherently partially competitive, or in the alternative, the reclassification of these services as partially competitive.¹ Oceanic makes its request for declaratory relief in accordance with Hawaii Administrative Rules ("HAR") chapter 6-61, subchapter 16.

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

¹Oceanic's petition, filed on April 28, 2004. The services at issue are: (1) standard business lines; (2) analog PBX trunk service; (3) digital PBX trunk service; (4) primary rate ISDN service; and (5) private line.

II.

Declaratory Action

Two (2) deadlines currently apply to the underlying portion of Oceanic's petition, that of seeking declaratory relief: (1) May 18, 2004, the deadline for interested persons to file motions to intervene or participate; and (2) June 14, 2004, the forty-five (45)-day deadline governing commission action on Oceanic's request for declaratory relief.² Given the June 14, 2004 deadline, the commission directs the Consumer Advocate to complete its investigation and file its position statement on Oceanic's underlying request for declaratory relief, by June 3, 2004.

III.

Order

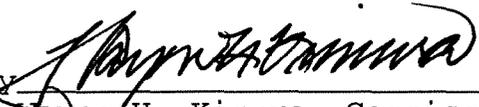
THE COMMISSION ORDERS that the Consumer Advocate shall complete its investigation and file its position statement on Oceanic's underlying request for declaratory relief, by June 3, 2004. In the event the commission denies Oceanic's request for declaratory relief, or issues a ruling that is adverse to Oceanic's underlying request, the Consumer Advocate shall have the right to file its follow-up position statement.

²HAR §§ 6-61-57(3)(A) and 6-61-162(a), respectively. Oceanic's alternative prayer for relief, i.e., the reclassification of its services, is not subject to the forty-five (45)-day deadline.

DONE at Honolulu, Hawaii this 10th day of May, 2004.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
Wayne H. Kimura, Commissioner

By 
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:


Michael Azama
Commission Counsel

04-0082.cs

CERTIFICATE OF SERVICE

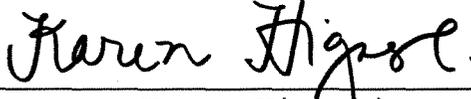
I hereby certify that I have this date served a copy of the foregoing Order No. 20969 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
P. O. Box 541
Honolulu, HI 96809

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Counsel for OCEANIC COMMUNICATIONS



Karen Higashi

DATED: May 10, 2004