

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. 21077

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

2004 JUN 24 A 8:45

RECEIVED

Filed June 23, 2004
At 10:00 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
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Docket No. 04-0082

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ORDER

TIME WARNER TELECOM OF HAWAII, L.P., dba OCEANIC COMMUNICATIONS ("Oceanic"), initially requested 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 ("Network Services").¹ Oceanic made its request for declaratory relief in accordance with Hawaii Administrative Rules ("HAR") chapter 6-61, subchapter 16. Now, Oceanic: (1) withdraws its request for a declaratory ruling, or in the alternative, the reclassification of its Network Services as partially competitive; and (2) amends its Petition to instead seek a waiver of the cost study requirement under HAR § 6-80-35(e).²

¹Oceanic's Petition, filed on April 28, 2004 ("Petition"). 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.

²Oceanic's Amendment to Petition, filed on June 10, 2004 ("Amendment").

Oceanic served copies of the Petition and Amendment upon the Department of Commerce and Consumer Affairs, Division of Consumer Advocacy ("Consumer Advocate")(collectively, the "Parties"). Thereafter, on June 10, 2004, the Parties submitted their Stipulation to Amend Procedural Schedule for the commission's consideration.

The Stipulation to Amend Procedural Schedule includes a deadline date for the commission to issue its Decision and Order on Oceanic's request for declaratory relief, consistent with HAR § 6-61-162(a).³ With Oceanic's decision to withdraw its request for declaratory relief, however, the requisite deadline under HAR § 6-61-162(a) no longer applies. Accordingly, the commission approves the Parties' Stipulation to Amend Procedural Schedule, as amended, by removing as moot the reference to the deadline date for commission action on Oceanic's request for declaratory relief.⁴

THE COMMISSION ORDERS that the Parties' Stipulation to Amend Procedural Schedule, attached hereto as Exhibit 1, is approved and made part of this order; provided that page 3 is amended by removing the reference to the deadline date for commission action on Oceanic's request for declaratory relief.

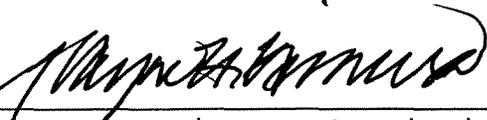
³See also Order No. 20969, filed on May 10, 2004; and Oceanic's letter, dated June 3, 2004.

⁴The commission also notes that the first WHEREAS clause is moot.

DONE at Honolulu, Hawaii this 23rd day of June, 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.s1

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To Declare or Reclassify Services as)
Partially Competitive)
)
_____)

STIPULATION TO AMEND PROCEDURAL SCHEDULE

and

CERTIFICATE OF SERVICE

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PAMELA J. LARSON, ESQ.
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Attorney for the
DIVISION OF CONSUMER ADVOCACY
DEPARTMENT OF COMMERCE AND
CONSUMER AFFAIRS

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In the Matter of the Petition of)	
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TIME WARNER TELECOM OF HAWAII,)	DOCKET NO. 04-0082
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To Declare or Reclassify Services as)	
Partially Competitive)	
_____)	

STIPULATION TO AMEND PROCEDURAL SCHEDULE

WHEREAS, TIME WARNER TELECOM OF HAWAII, L.P., dba OCEANIC COMMUNICATIONS ("TWTC") has filed a Petition for a declaratory order that certain business services provided by the Petitioner are inherently partially competitive or, in the alternative, for approval of the reclassification of certain business services provided by Petitioner as partially competitive (the "Petition");

WHEREAS, TWTC and the Division of Consumer Advocacy (the "CA") are parties to this proceeding;

WHEREAS, in Order No. 20969 in this matter, the Commission ordered the CA to submit its Statement of Position by June 3, 2004;

WHEREAS, the CA submitted Information Requests ("IRs") to TWTC, and asked TWTC to respond by May 26, 2004;

WHEREAS, under H.A.R. §6-61-162(a), the Commission is required to act on the request for declaratory order by June 14, 2004;

WHEREAS, TWTC requires additional time in which to compile information necessary to respond to the CA's IRs and the CA requires additional time to prepare its Statement of Position following submission of TWTC's responses to IRs;

WHEREAS, the parties wish to amend the procedural schedule in the matter;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, that the procedural schedule in this matter be amended as follows:

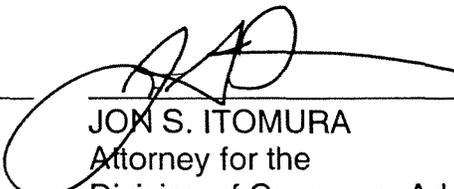
TWTC Responses to IRs and to Verizon's Position Letter	June 10, 2004
CA Supplemental Information Requests ("SIRs")	June 18, 2004
TWTC Responses to SIRs	June 25, 2004
CA Statement of Position	July 9, 2004
TWTC Rebuttal Testimony	July 16, 2004
PUC Decision on Request for Declaratory Order	August 6, 2004

The parties shall have the right to amend the stipulated schedule as may be agreed to in writing from time to time.

DATED: Honolulu, Hawaii June 10, 2004



J. DOUGLAS ING
PAMELA J. LARSON
Attorneys for
Time Warner Telecom of Hawaii, L.P.



JON S. ITOMURA
Attorney for the
Division of Consumer Advocacy
Department of Commerce and Consumer Affairs

APPROVED AND SO ORDERED THIS _____, 2004
at Honolulu, Hawaii.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By _____
Carlito P. Caliboso, Chairman

By _____
Janet E. Kawelo, Commissioner

By _____
Wayne H. Kimura, Commissioner

APPROVED AS TO FORM:

Commission Counsel

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Stipulation to Amend Procedural Schedule, upon the following party (parties) by hand delivery or by mail, postage prepaid and properly addressed.

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

Rochelle D. Jones
Vice President - Regulatory Affairs, Hawaii
Oceanic Communications
2669 Kilihau Street
Honolulu, Hawaii 96819

J. Douglas Ing
Pamela J. Larson
Watanabe Ing Kawashima & Komeiji LLP
999 Bishop Street, 23rd Floor
Honolulu, Hawaii 96813

Dated: _____, 2004

Chief Clerk

CERTIFICATE OF SERVICE

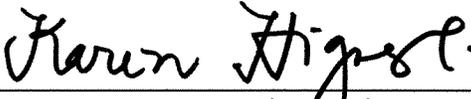
I hereby certify that I have this date served a copy of the foregoing Order No. 21077 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

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

ROCHELLE D. JONES
VICE PRESIDENT - REGULATORY AFFAIRS, HAWAII
OCEANIC COMMUNICATIONS
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Counsel for OCEANIC COMMUNICATIONS



Karen Higashi

DATED: June 23, 2004