

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of -----)
)
PUBLIC UTILITIES COMMISSION)
)
Instituting an Investigation into)
the Carrier Contribution Factor and)
Telecommunications Relay Services)
Fund Size for the period of)
July 1, 2004 through June 30, 2005.)
_____)

DOCKET NO. 04-0070

ORDER NO. 21101

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

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RECEIVED

Filed June 30, 2004
At 4:00 o'clock P.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

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PUBLIC UTILITIES COMMISSION) Docket No. 04-0070
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Instituting an Investigation into) Order No. 21101
the Carrier Contribution Factor and)
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Fund Size for the period of)
July 1, 2004 through June 30, 2005.)
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ORDER

I.

Introduction

On June 25, 2004, PACIFIC LIGHTNET, INC. ("PLNI") filed Transmittal No. 04-04 to adjust the monthly surcharge for Telecommunications Relay Services ("TRS") to reflect the commission's changes to the TRS carrier contribution factor and the TRS fund size.¹ PLNI served copies of the application on the Division of Consumer Advocacy, Department of Commerce and Consumer Affairs ("Consumer Advocate").² PLNI requests approval of this tariff transmittal on short-notice to allow this filing to become effective on July 1, 2004, pursuant to Hawaii Administrative Rules ("HAR") § 6-80-40(d).

¹On June 10, 2004, the commission issued Order No. 21049, which among other things, established the carrier contribution factor at 0.0010 for the period July 1, 2004 to June 30, 2005.

²On June 30, 2004, the Consumer Advocate orally indicated that it did not oppose PLNI's Transmittal No. 04-04.

II.

Discussion

In Order No. 21049, the commission ordered every carrier, except Commercial Radio Service Providers, to comply with Hawaii Revised Statutes ("HRS") § 269-16(b)³ and HAR § 6-80-40(b)⁴ for any TRS surcharge imposed on its customers to recover the amount of its contribution.

HRS § 269-16 provides, "[t]he commission may, in its discretion and for good cause shown, allow any rate, fare, charge, classification, schedule, rule, or practice to be established, abandoned, modified, or departed from upon notice less than that provided for in section 269-12(b)." Specifically, HAR § 6-80-40(d) provides, "[t]he commission may, in its discretion and for good cause shown, allow any tariff for a partially competitive or noncompetitive service to become effective before the expiration of the 30-day period provided in subsection (b)."

³HRS § 269-16(b) provides, in relevant part: "[n]o rate, fare, charge, classification, schedule, rule, or practice, shall be established, abandoned, modified, or departed from by any public utility, except after thirty days' notice as prescribed in section 269-12(b) to the commission and prior approval by the commission for any increases in rates, fares, or charges."

⁴HAR § 6-80-40(b) provides, in relevant part: "[a] telecommunications carrier shall file its tariff for any partially competitive service or noncompetitive service at least thirty days before the effective date of the proposed service."

PLNI seeks to have its tariff, which reflects the commission's changes to the TRS carrier contribution factor and TRS fund size, effective July 1, 2004. PLNI alludes that providing 30-days notice would create an administrative hardship because PLNI's billing system invoices customers for service one month in advance. Accordingly, the commission finds good cause to allow PLNI's proposed tariff changes to take effect on July 1, 2004, less than thirty days before the effective date of the proposed changes.

The commission notes that, pursuant to HRS §§ 269-6, 269-7, and 269-8, the commission may continue to review the justness and reasonableness of the TRS surcharge and any other related matters, consistent with the public interest. Accordingly, the commission may order the future revision or modification of any TRS tariff provision, in the exercise of its statutory duties.


III.

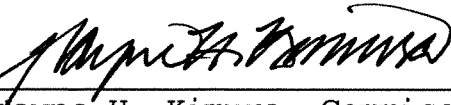
Order

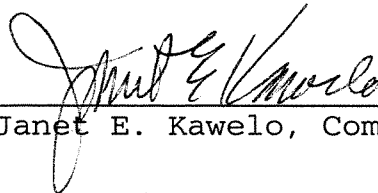
THE COMMISSION ORDERS that PLNI's Tariff amendments, filed on June 25, 2004, shall be allowed to take effect on their stated effective dates.

DONE at Honolulu, Hawaii this 30th 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:


Kevin M. Katsura
Commission Counsel

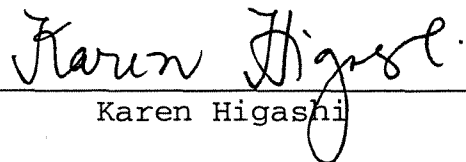
04-0070.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 21101 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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GOVERNMENT ACCOUNT EXECUTIVE
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Karen Higashi

DATED: June 30, 2004