

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)
)
 PACIFIC CARRIAGE LIMITED)
)
 For a Declaratory Ruling.)
 _____)

DOCKET NO. 04-0172

ORDER NO. 21186

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

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RECEIVED

Filed July 26, 2004
At 3 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

In the Matter of the Petition of)	
)	
PACIFIC CARRIAGE LIMITED)	Docket No. 04-0172
)	
For a Declaratory Ruling.)	Order No. 21186
<hr/>		

ORDER

I.

Background

PACIFIC CARRIAGE LIMITED, ("Petitioner") seeks a declaratory ruling that its proposed transaction involving the provision of certain limited services on Petitioner's international submarine fiber-optic cable system is not subject to regulation by the commission and does not require certification under chapter 269, Hawaii Revised Statutes ("HRS") and the commission's regulations promulgated thereunder.¹ Petitioner makes its request for declaratory ruling in accordance with Hawaii Administrative Rules ("HAR") chapter 6-61, subchapter 16 and HRS § 91-8.

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

¹Petitioner's petition, filed on July 9, 2004.

II.

Declaratory Action

Two (2) deadlines currently apply to Petitioner's petition seeking declaratory action: (1) July 29, 2004, the deadline for interested persons to file motions to intervene or participate; and (2) August 23, 2004, the forty-five (45)-day deadline governing commission action on Petitioner's petition for declaratory ruling.² In light of the August 23, 2004 deadline, the commission directs the Consumer Advocate to complete its investigation and file its position statement on Petitioner's request for declaratory action by August 4, 2004.

III.


Order


THE COMMISSION ORDERS that the Consumer Advocate shall complete its investigation and file its position statement on Petitioner's request for declaratory action by August 4, 2004.

²HAR §§ 6-61-57 (3)(A) and 6-61-162(a), respectively.

DONE at Honolulu, Hawaii this 26th day of July, 2004.


PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
Wayne H. Kimura, Commissioner

By (EXCUSED)
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:


Catherine P. Awakuni
Commission Counsel

04-0172.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 21186 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

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DIVISION OF CONSUMER ADVOCACY
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Karen Higashi

DATED: July 26, 2004