

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Request of)  
NOW COMMUNICATIONS, INC. )  
To Voluntarily Surrender its )  
Certificate of Authority. )  
\_\_\_\_\_ )

DOCKET NO. 02-0396

ORDER NO. 21365

Filed Sept. 27, 2004  
At 11 o'clock A.M.

Karen Higashi  
Chief Clerk of the Commission

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

2004 SEP 28 A 8:23

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

K. Higashi



3. Petitioner has no further operations or assets, and its office closed as of June 7, 2004. Petitioner's customers "were not adversely affected by the acquisition and transfer."

The commission notes that none of the acquiring entities have filed an application with this commission seeking approval: (1) of the above-described transaction; and (2) to transfer Petitioner's COA. Hence, the commission will treat Petitioner's counsel's letter as a request to voluntarily surrender Petitioner's COA.

Given Petitioner's bankrupt status and its non-provision of telecommunications services in the State, the commission: (1) approves the voluntary surrender of Petitioner's COA; and (2) waives the customer notification requirement set forth in Hawaii Administrative Rules ("HAR") § 6-80-123(a).<sup>3</sup> Petitioner's counsel represents that Petitioner's former customers were not adversely affected by the acquisition and transfer of its former customer base, assets, and certain liabilities.

THE COMMISSION ORDERS:

1. Petitioner's request to surrender its COA to operate as a reseller of telecommunications services in the State is approved, effective from the date of this order.

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<sup>3</sup>The commission notified Petitioner of its need to file its 2003 and 2004 annual financial reports. See commission letter, dated July 1, 2004. In the future event Petitioner, its parent, affiliate, or subsidiary, re-applies for a COA, it will be required to file Petitioner's 2003 and 2004 annual financial reports.

2. The customer notification requirement set forth in HAR § 6-80-123(a) is waived.

3. This docket is closed.

DONE at Honolulu, Hawaii SEP 27 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

02-0396.rpr

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 21365 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

LARRY W. SEAB  
CHIEF EXECUTIVE OFFICER AND PRESIDENT  
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Winter Park, FL 32792

SCOTT KELLOGG, ESQ.  
180 N. Wacker Drive  
Suite 3  
Chicago, IL 60606

  
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Karen Higashi

DATED: SEP 27 2004