

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
)
ESODUS COMMUNICATIONS, INC.,)
)
dba INSTATONE)
)
For a Certificate of Authority to)
Provide Intrastate Interexchange)
Telecommunications Services Within)
the State of Hawaii and for)
approval of its initial tariff.)
_____)

DOCKET NO. 04-0079

ORDER NO. 21396

Filed Oct. 6, 2004
At 11 o'clock A.M.

Karen Higashi
Chief Clerk of the Commission

RECEIVED
2004 OCT -7 A 8:38
DIV. OF CONSUMER ADVOCACY
DEPT. OF COMMERCE AND
CONSUMER AFFAIRS
STATE OF HAWAII

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

K. Higashi

On September 14, 2004, the commission issued a Notice of Intent to Dismiss Application, informing Applicant of the commission's intent to dismiss its April 23, 2004 Application, without prejudice, due to Applicant's failure to submit updated financial statements (i.e., audited or unaudited financial statements dated no more than three (3) months from the date of the Application), pursuant to HAR § 6-80-17(c)(1)(E).

On September 23, 2004, Applicant requested approval to withdraw its Application.

Upon review, the commission finds good cause to grant Applicant's withdrawal request, and concludes that this docket should be closed.

II.

Orders

THE COMMISSION ORDERS:

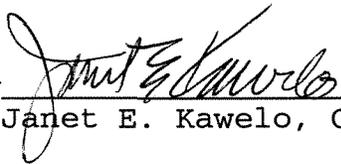
1. Applicant's request, filed on September 23, 2004, to withdraw its Application, filed on April 23, 2004, is granted.
2. This docket is closed.

DONE at Honolulu, Hawaii OCT 6 2004

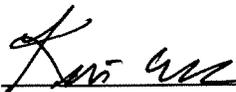
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By (EXCUSED)
Wayne H. Kimura, Commissioner

By 
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:


Kris N. Nakagawa
Commission Counsel

04-0079.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 21396 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

PATRICK D. CROCKER, ESQ.
EARLY, LENNON, CROCKER & BARTOSIEWICZ, P.L.C.
900 Comerica Building
Kalamazoo, MI 49007-4752



Karen Higashi

DATED: OCT 6 2004