

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
)
TIME WARNER TELECOM OF HAWAII, L.P.,)
dba OCEANIC COMMUNICATIONS)
)
Transmittal No. 04-18, Filed on)
December 28, 2004, to Introduce)
the VersiPak Packages.)
_____)

DOCKET NO. 05-0012

ORDER NO. 21547

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

2005 JAN 18 A 8:04

RECEIVED

Filed Jan. 14, 2005
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 Application of)
)
TIME WARNER TELECOM OF HAWAII, L.P.,)
 dba OCEANIC COMMUNICATIONS) Docket No. 05-0012
)
Transmittal No. 04-18, Filed on) Order No. 21547
December 28, 2004, to Introduce)
the VersiPak Packages.)
_____)

ORDER

The proposal of TIME WARNER TELECOM OF HAWAII, L.P., dba OCEANIC COMMUNICATIONS ("Oceanic"), to introduce the VersiPak Packages in the State of Hawaii (the "State"), is subject to the requirements that Oceanic file an application at least thirty (30) days in advance, supported by a signed certificate of service and written verification, seeking the commission's express prior approval.

In Docket No. 04-0082, the commission approved Oceanic's request for a prospective waiver of the cost study requirement to offer and provide in the State its bundled service packages that include its Network Services.¹ Nonetheless, "Oceanic shall continue to abide by [Hawaii Administrative Rules] HAR § 6-80-35(e)'s requirements that it: (A) not offer its joint service packages without the commission's prior express approval;

¹Decision and Order No. 21326, filed on August 31, 2004, in Docket No. 04-0082.

and (B) file an application not less than thirty (30) days before the joint services are marketed, sold, or advertised."²

Oceanic proposes to revise its tariff by introducing the VersiPak Packages bundled voice and Internet services packages to its small and medium-sized business customers, by Transmittal No. 04-18, filed on December 28, 2004. Oceanic proposes an effective date of January 24, 2005. Oceanic's corresponding certificate of service, which purports to certify that copies of its Transmittal No. 04-18 were served upon the Division of Consumer Advocacy, is unsigned.³

Verizon Hawaii Inc., in response, notes that Oceanic's Transmittal No. 04-18 is subject to the applicable requirements set forth in Ordering Paragraph No. 2 of Decision and Order No. 21326.⁴ Verizon Hawaii Inc. then concludes:

Although Transmittal No. 04-18 does not appear to comply with either Decision and Order No. 21326 or HAR 6-80-35(e), Verizon Hawaii Inc. ("Verizon") does not protest [Oceanic's] tariff filing. Rather, it supports utilization of the tariff transmittal process specified in HAR 6-61-111 to satisfy the filing and approval requirements of joint offers as defined in HAR 6-80-35(e). Should the Commission allow Transmittal No. 04-18 to go into effect, Verizon Hawaii will follow the same process for the filing of future joint offer proposals.⁵

²Id. at 17, Ordering Paragraph No. 2.

³See Exhibit 1, attached.

⁴Verizon Hawaii Inc.'s letter, dated January 10, 2005. Verizon Hawaii Inc. served copies of its letter upon Oceanic's consultant and the Division of Consumer Advocacy, respectively. Id. at 2.

⁵Id. at 1 - 2.

Oceanic's Transmittal No. 04-18 does not appear to comport with Ordering Paragraph No. 2 of Decision and Order No. 21326. In particular, Oceanic must: (1) not offer its joint service packages without the commission's prior express approval; and (2) file an application not less than thirty (30) days before the joint services are marketed, sold, or advertised.

Nonetheless, in the interests of administrative efficiency, the commission will treat Oceanic's Transmittal No. 04-18 as an application seeking the commission's express prior approval to offer and provide its VersiPak Packages. Unless and until the commission affirmatively approves Oceanic's application, Oceanic shall not offer or provide the VersiPak Packages in the State. In addition, by January 21, 2005, Oceanic shall file its: (1) signed certificate of service, evidencing the appropriate service date of its Transmittal No. 04-18 upon the Division of Consumer Advocacy; and (2) written verification, pursuant to HAR § 6-61-17.

THE COMMISSION ORDERS:

1. Oceanic's Transmittal No. 04-18, filed on December 28, 2004, is treated as an application filed in compliance with Ordering Paragraph No. 2 of Decision and Order No. 21326, filed on August 31, 2004.

2. Unless and until the commission affirmatively approves Oceanic's application, Oceanic shall not offer or provide the VersiPak Packages in the State.

3. By January 21, 2005, Oceanic shall file its: (A) signed certificate of service, evidencing the appropriate

service date of its Transmittal No. 04-18 upon the Division of Consumer Advocacy; and (B) written verification.

4. Unless ordered otherwise, by January 31, 2005, or twenty (20) days after the appropriate date of service of Oceanic's Transmittal No. 04-18 upon the Division of Consumer Advocacy, whichever date is later, the Division of Consumer Advocacy, at its option, may file a position statement on Transmittal No. 04-18.

DONE at Honolulu, Hawaii JAN 14 2005.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By Carlito P. Caliboso
Carlito P. Caliboso, Chairman

By (EXCUSED)
Wayne H. Kimura, Commissioner

By Janet E. Kawelo
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

Michael Azama
Michael Azama
Commission Counsel

CERTIFICATE OF SERVICE

EXHIBIT 1

I hereby certify that I have this date served two copies of the foregoing Tariff Transmittal No. 04-18 upon the following party, by causing copies hereof to be mailed, postage prepaid, properly addressed, or delivered, to the following:

DIVISION OF CONSUMER ADVOCACY
Department of Commerce and Consumer Affairs
PO Box 541
Honolulu, HI 96809

DATED: December 23, 2004

By:

Lee Simpson, Shipping Manager
TECHNOLOGIES MANAGEMENT, INC.

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 21547 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

CONNIE WIGHTMAN
TECHNOLOGIES MANAGEMENT INC.
P. O. Drawer 200
Winter Park, FL 32790-0200

ROCHELLE D. JONES
VICE PRESIDENT - REGULATORY AFFAIRS, HAWAII
OCEANIC COMMUNICATIONS
2669 Kilihau Street
Honolulu, HI 96819

J. DOUGLAS ING, ESQ.
PAMELA J. LARSON, ESQ.
WATANABE ING KAWASHIMA & KOMEIJI LLP
999 Bishop Street, 23rd Floor
Honolulu, HI 96813

Counsel for OCEANIC COMMUNICATIONS



Karen Higashi

DATED: January 14, 2005