

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
CNG COMMUNICATIONS, LLC)
For a Certificate of Registration)
To Provide Intrastate Pay Telephone)
Service Within Hawaii.)
_____)

DOCKET NO. 04-0354

DECISION AND ORDER NO. 21558

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

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Filed Jan. 24, 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

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Docket No. 04-0354
Decision and Order No. **21558**

DECISION AND ORDER

By this decision and order, the commission grants CNG COMMUNICATIONS, LLC ("Applicant") a certificate of registration ("COR") to operate as a pay telephone service provider within the State of Hawaii ("State"), subject to certain conditions, as further described herein.

I.

Introduction

Applicant requests a COR to provide pay telephone service within the State.¹ Applicant makes its request pursuant to Hawaii Revised Statutes ("HRS") § 269-7.5 and Hawaii Administrative Rules ("HAR") §§ 6-80-17, 6-80-18 and 6-82-11.

Applicant served a copy of its Application on the DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS, DIVISION OF CONSUMER ADVOCACY ("Consumer Advocate"). On January 4, 2005, the

¹Applicant's application, filed on December 7, 2004 ("Application").

Consumer Advocate filed its Statement of Position informing the commission that it does not object to approval of the Application, subject to certain qualifications.²

II.

Description of Applicant and its Proposed Services

Applicant is a Hawaii limited liability company with its principal place of business in Waipahu, Hawaii.³

Applicant intends to provide pay telephone service within the State. Specifically, Applicant proposes to offer and provide pay telephone services on the island of Oahu.

III.

Discussion

A.

COR

Upon review of the Application, the commission finds that Applicant has fulfilled the requirements of HAR § 6-80-17(d). Accordingly, the commission will grant Applicant a COR to operate as a pay telephone service provider within the State.

²The Consumer Advocate raises various concerns and recommendations in its Statement of Position relating to Applicant's proposed tariff, which is discussed in more detail in Section III., below.

³The commission takes official notice, pursuant to HAR § 6-61-48, of the records of the Department of Commerce and Consumer Affairs, Business Registration Division, indicating that Applicant is a limited liability company.

B.

Proposed Tariff

In its Statement of Position, the Consumer Advocate provides three (3) recommended revisions to Applicant's proposed tariff. Based on the commission's review of the Consumer Advocate's recommended revisions, we find all of its recommended revisions to be reasonable and necessary.

Based on the foregoing, the commission concludes that Applicant should revise its proposed tariff as follows:

1. The definition of **Carrier-Company** set forth in **Section 2. Terms and Conditions** (Original Page 5) should be amended to reflect "CNG Communications LLC" rather than "Island Breeze Services."
2. The commission agrees with the Consumer Advocate that since Applicant's proposed geographical scope of service will be initially for the island of Oahu only, a "toll free telephone number" is not necessary. However, should Applicant desire to expand its service to the other islands, Applicant is required to amend its tariff to include a "toll free telephone number." In the meantime, the language of Section 2.5.1.4. (Original Page 11) should be amended, in relevant part, to read as follows: "Complaints concerning charges or services described herein shall be handled as provided in the requirements set forth in HAR § 6-80-107. The Company will receive trouble

reports twenty-four hours a day and all other complaints during normal business hours at 808-671-8955." (new text underscored).

3. In Section 3.1. (Original Page 13), it states, in relevant part, that "Operator Services connection fees are set forth in Section 4.4 apply." However, Section 4.4 is missing from the proposed tariff and "Operator Services connection" is not defined. Accordingly, Applicant's proposed tariff should incorporate Section 4.4 and appropriately define "Operator Services connection" in Section 2.1. In addition, Applicant should appropriately amend its proposed tariff to ensure that the section references cited in the applicable sections are incorporated in such tariff. See Sections 3.1.1 to 3.4.2.1 (Original Pages 13 and 14) and Section 4.1.2. (Original Page 15).

IV.

Orders

THE COMMISSION ORDERS:

1. Applicant is granted a COR to operate as a pay telephone service provider within the State.
2. As the holder of a COR, Applicant shall be subject to all applicable provisions of HRS chapter 269, HAR chapters 6-80, 6-81, and 6-82; any other applicable State laws

and commission rules; and any orders that the commission may issue from time to time.

3. Applicant shall file its tariffs in accordance with HAR §§ 6-80-39 and 6-80-40. Applicant's tariffs shall comply with the provisions of HAR chapters 6-80 and 6-82. In the event of a conflict between any tariff provision and State law, State law shall prevail.

4. Applicant shall conform its initial tariff to the applicable provisions of HAR chapters 6-80 and 6-82 by, among other things, incorporating the tariff revisions set forth in Section III. of this decision and order. An original and eight (8) copies of the initial tariff shall be filed with the commission, and two (2) additional copies shall be served on the Consumer Advocate. Applicant shall ensure that the appropriate issued and effective dates are reflected in its tariffs.

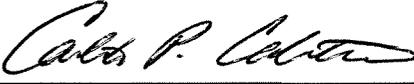
5. Within thirty (30) days from the date of this decision and order, Applicant shall pay a public utility fee of \$60, pursuant to HRS § 269-30. The business check shall be made payable to the Hawaii Public Utilities Commission, and sent to the commission's office at 465 S. King Street #103, Honolulu, HI, 96813.

6. Failure to promptly comply with the requirements set forth in paragraphs 3 to 5 may constitute cause to void this decision and order, and may result in further regulatory action, as authorized by law.

DONE at Honolulu, Hawaii

JAN 24 2005

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 

Carlito P. Caliboso, Chairman

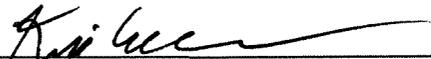
By 

Wayne H. Kimura, Commissioner

By 

Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:



Kris N. Nakagawa
Commission Counsel

04-0354.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 21558 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

CNG COMMUNICATIONS, LLC
c/o EUGENE C. KRAUS
94-1086 Pulelo Street
Waipahu, HI 96797-5047



Karen Higashi

DATED: JAN 24 2005