

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
NPCR, INC., dba NEXTEL PARTNERS)
For Designation as an Eligible)
Telecommunications Carrier in the)
State of Hawaii.)

DOCKET NO. 03-0104

ORDER NO. 22274

Filed Feb. 7, 2006
At 8 o'clock A.M.

Karen Higashi
Chief Clerk of the Commission

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DIV. OF CONSUMER AFFAIRS
PUBLIC UTILITIES AND
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ATTEST: A True Copy
KAREN HIGASHI
Chief Clerk, Public Utilities
Commission, State of Hawaii.

K. Higashi

BEFORE THE PUBLIC UTILITIES COMMISSION
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NPCR, INC., dba NEXTEL PARTNERS)
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_____)

Docket No. 03-0104

Order No. 22274

ORDER

By this Order, the commission, on its own motion, amends the annual reporting requirements set forth in Decision and Order No. 21089, filed on June 25, 2004, for NPCR, INC., dba NEXTEL PARTNERS ("Nextel Partners"), a provider of commercial mobile radio services and designated eligible telecommunications carrier ("ETC") of federal universal service support for the service area of the State of Hawaii. The commission replaces said reporting requirements with the annual certification requirements adopted by the commission on January 17, 2006, in Docket No. 05-0243, by Decision and Order No. 22228.¹

¹See Instituting a Proceeding for the Purpose of Adopting Annual Certification Requirements for Telecomm. Carriers in the State of Hawaii, Docket No. 05-0243, Decision and Order No. 22228, filed on January 17, 2006. The parties to Docket No. 05-0243 are: (1) the three (3) commission-designated ETCs -- Hawaiian Telcom, Inc., Sandwich Isles Communications, Inc., and Nextel Partners; and (2) the Division of Consumer Advocacy.

I.

Amending Annual Certification Requirements

Presently, the deadline for Nextel Partners to file its annual report and build-out plan is December 31st of each calendar year:

4. Unless ordered otherwise, the due date for the annual reports referenced in Section VII.B shall be December 31st of each calendar year, with the first report due by December 31, 2004. Presently, these annual reports will consist of: (A) the number of consumer complaints per 1,000 handsets; (B) the number of requests for service Nextel Partners was unable to meet; and (C) a summary description of all capital projects that exceed \$500,000, and the network upgrade and expansion projects that were completed in the previous year. In addition, for all consumer requests received for areas that are presently not served by Nextel Partners' existing network facilities, Nextel Partners shall provide information on the number of requests it was unable to meet and the reasons why, and the number of requests it did meet, and under which step of its voluntary commitment checklist (paragraph 3(b)) it was able to provide service.

5. Nextel Partners is also required to file, on an annual basis, its formal build-out plan, describing in detail its plan to expand and enhance its network infrastructure and facilities with the use of federal universal service support monies. Nextel Partners shall also identify the "problem areas" and consumers it intends to serve, explain why these areas or consumers have the need for service by an ETC, and describe how it intends to provide the core services to these areas and consumers utilizing federal universal support monies "for the provision, maintenance, and upgrading of [its] facilities and services for which the support is intended."

Unless ordered otherwise, the due date for Nextel Partners' annual formal build-out plan shall be December 31st of each calendar year[.]

Decision and Order No. 21089, filed on June 25, 2004, Ordering Paragraphs No. 4 and No. 5, at 37 - 38 (emphasis added).

On January 17, 2006, the commission adopted annual certification requirements for telecommunications carriers designated as ETCs by the commission.² The annual certification requirements adopted by the commission in Docket No. 05-0243 apply to Nextel Partners and effectively supersede the annual report and build-out plan Nextel Partners must file with the commission by December 31st pursuant to Decision and Order No. 21089.³ Instead, ETCs, including Nextel Partners, must now file their annual reports with the commission no later than June 30th of each calendar year,⁴ incorporating the information set forth in Decision and Order No. 22228, Exhibit 1, Requirements A(1) through (9).

Accordingly, the commission, on its own motion, hereby amends Decision and Order No. 21089 by deleting Ordering Paragraphs No. 4 and No. 5, which are effectively superseded by Decision and Order No. 22228. Effective January 17, 2006, Nextel Partners shall comply with the applicable ETC certification requirements set forth in Decision and Order No. 22228.

²Decision and Order No. 22228, filed on January 17, 2006. The deadline to file any motions for reconsideration expired on January 30, 2006. No motions were filed.

³See Decision and Order No. 22228, at 18 n.36; and Decision and Order No. 22228, Exhibit 1, Requirement B(4).

⁴Decision and Order No. 22228, Exhibit 1, Requirement B.

II.

Order

THE COMMISSION ORDERS:

1. Decision and Order No. 21089, Ordering Paragraphs No. 4 and No. 5, are deleted. Effective January 17, 2006, Nextel Partners shall comply with the applicable ETC certification requirements set forth in Decision and Order No. 22228. In all other respects, Decision and Order No. 21089 remains unchanged.

DONE at Honolulu, Hawaii FEB - 7 2006 .

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:


Michael Azama
Commission Counsel

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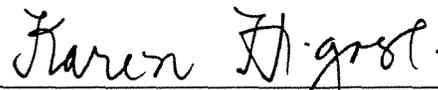
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 22274 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
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Karen Higashi

DATED: FEB - 7 2006