

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
KMC DATA LLC)
To Voluntarily Surrender its)
Certificate of Authority.)
_____)

DOCKET NO. 01-0254

ORDER NO. 22398

DIV. OF REGULATORY & COMPLIANCE
PUBLIC UTILITIES DIVISION
150 SOUTH KING STREET
HONOLULU, HAWAII 96813

2006 APR 20 A 8:48

RECEIVED

Filed April 19, 2006
At 11:30 o'clock A .M.

Karen Higashi
Chief Clerk of the Commission

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

K. Higashi

its annual financial reports and pay its public utility fees due.³

KMC Data represents that: (1) it currently does not provide any telecommunications services within the State and has no current plans to expand the scope of its services to include the State; (2) no customers will be affected by the surrender of its COA; and (3) "any requirement to give prior written notice of KMC Data's surrender of its certificate is inapplicable in this instance because KMC Data has no customers in Hawaii."⁴

Hawaii Administrative Rules ("HAR") § 6-80-123, governing the discontinuance of a fully or partially competitive telecommunications service, states in part:

Abandonment or discontinuance of fully or partially competitive service. (a) A telecommunications carrier intending or seeking to abandon or discontinue offering or providing a fully or partially competitive service shall, not later than thirty days before the proposed date of abandonment or discontinuance, provide a written notice of its intent to the commission, the consumer advocate, and its affected customers. . . .

(b) The commission may:

(1) Allow the proposed abandonment or discontinuance of service to take effect on such reasonable terms and conditions that it deems are in the public interest[.]

The commission: (1) approves the voluntary surrender of KMC Data's COA, pursuant to HAR § 6-80-123(b)(1); and (2) waives the customer notification requirement set forth in HAR § 6-80-123(a), as KMC Data represents that it has no Hawaii-based

³See commission's letter, dated February 7, 2006.

⁴KMC Data's Application, at 2.

customers to notify of its proposed discontinuance of telecommunications services.

THE COMMISSION ORDERS:

1. KMC Data's request to surrender its COA to operate as a facilities-based carrier and reseller of intrastate telecommunications services is approved, effective from the date of this Order. Petitioner shall promptly return COA 01-0254 to the commission.

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

3. This docket is closed, unless ordered otherwise by the commission.

DONE at Honolulu, Hawaii APR 19 2006.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By Carlito P. Caliboso
Carlito P. Caliboso, Chairman

By (EXCUSED)
Wayne H. Kimura, Commissioner

APPROVED AS TO FORM:

By Janet E. Kawelo
Janet E. Kawelo, Commissioner

Michael Azama
Michael Azama
Commission Counsel

01-0254.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 22398 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

JOHN E. COLE
EXECUTIVE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
P. O. Box 541
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Karen Higashi

DATED: APR 19 2006