

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Request of)
)
ECLIPSE COMMUNICATIONS CORPORATION,)
nka WESTERN CLEC CORPORATION)
)
To Voluntarily Surrender its)
Certificate of Authority.)
_____)

DOCKET NO. 98-0029

ORDER NO. 22486

Filed May 24, 2006
At 11 o'clock A.M.

Karen Higashi
Chief Clerk of the Commission

DEPT. OF LAND AND NATURAL RESOURCES
DIVISION OF LAND AND NATURAL RESOURCES
STATE OF HAWAII

2006 MAY 25 A 9:09

RECEIVED

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

K. Higashi

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Docket No. 98-0029

Order No. 22486

ORDER

The commission approves the voluntary surrender of certificate of authority ("COA")-0117 issued to ECLIPSE COMMUNICATIONS CORPORATION ("Eclipse"), now known as WESTERN CLEC CORPORATION ("Petitioner").

Petitioner holds a COA to operate as a reseller of intrastate telecommunications services.¹ Petitioner was issued COA-0117 by the commission.

Petitioner requests the commission's approval to voluntarily surrender its COA, by letter dated July 21, 2005, filed on July 29, 2005.² Petitioner represents that: (1) Eclipse and Petitioner never provided telecommunications services in the State of Hawaii (the "State"); (2) Petitioner does not have any facilities in the State and has never generated any intrastate revenues; and (4) Petitioner has never had any customers in the

¹See Decision and Order No. 16230, filed on March 6, 1998.

²A copy of Petitioner's request was served upon the Department of Commerce and Consumer Affairs, Division of Consumer Advocacy ("Consumer Advocate"). See commission's letter, dated August 2, 2005.

State. On May 15, 2006, Petitioner paid its outstanding public utility fee, in compliance with the commission's directive.³

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 Petitioner's COA-0117; and (2) waives the customer notification requirement set forth in Hawaii Administrative Rules ("HAR") § 6-80-123(a), as Petitioner represents that it has never had any customers in the State.

THE COMMISSION ORDERS:

1. Petitioner's request to surrender COA-0117 to operate as a reseller of intrastate telecommunications services is approved, effective from the date of this Order. Petitioner shall promptly return COA-0117 to the commission.


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

³See commission's letter, dated August 2, 2005, and Final Notice, dated April 27, 2006.

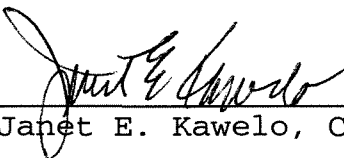
3. This docket is closed, unless ordered otherwise by the commission.

DONE at Honolulu, Hawaii MAY 24 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

98-0029.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 22486 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
Honolulu, HI 96809

NATHAN GLAZIER
WESTERN WIRELESS
MANAGER, REGULATORY AFFAIRS
3650 131st Avenue SE
Suite 400
Bellevue, WA 98006

For Petitioner WESTERN CLEC CORPORATION



Karen Higashi

DATED: MAY 24 2006