

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of )  
)  
DIRECT TELEPHONE COMPANY, INC. )  
and SUMMIT COMMUNICATIONS, INC. )  
)  
For Expedited Exemptions or )  
Waivers, and/or for Alternative )  
Expedited Approvals Regarding )  
§ 269-19 and § 269-7.5, Hawaii )  
Revised Statutes. )  

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DOCKET NO. 03-0240

ORDER NO. 23660

Filed Sept. 13, 2007  
At 2 o'clock P.M.

Karen Higashi.  
Chief Clerk of the Commission

RECEIVED

2007 SEP 14 A 0:44

DIV. OF CONSUMER ADVISORY  
DEPT. OF COMMERCE  
HONOLULU, HAWAII

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

Karen Higashi.

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Docket No. 03-0240  
Order No. 23660

ORDER

By this Order, the commission: (1) acknowledges the submittal of the compliance filings made by DIRECT TELEPHONE COMPANY, INC. ("DTC"); and (2) orders DTC to file its revised tariff and informational filings with an appropriate issued date and an effective date of August 20, 2007.

I.

Compliance Filings

In Decision and Order No. 23552, filed on July 20, 2007, the commission approved the transfer of SUMMIT COMMUNICATIONS, INC.'s ("Summit") shared tenant services ("STS") assets and operations to DTC and authorized DTC to provide STS under the same terms and conditions and "tariff" as once offered by Summit, provided that DTC adhered to certain regulatory conditions. In particular, the commission directed DTC to: (1) fully comply with the requirements of Hawaii Administrative Rules ("HAR") § 6-80-91 by submitting its

2006 annual financial report ("2006 AFR"); and (2) submit copies of its tariff and informational filings made in Docket No. 04-0259, on March 28, 2005 (as amended) reflecting, among other things: (a) DTC's name as opposed to Integrated Communications, LLC's as the provider of the STS; (b) only services that DTC had been authorized to provide in Interim Decision and Order No. 20410, filed on August 29, 2003 ("Interim Order"); and (c) appropriate issued and effective dates, as applicable, within 30 days of the date of the decision and order.

On August 20, 2007, DTC submitted its 2006 AFR and copies of its tariff and informational filings in compliance with Decision and Order No. 23552. Upon review, however, the commission notes that the filed tariff and informational filings do not specify issued and effective dates as directed. The commission considers this omission to be inadvertent and provides DTC with specific guidance to comply with the commission's order.

Rate schedules for providers of STS are effective upon filing.<sup>1</sup> Thus, the commission finds it appropriate to determine that DTC's tariff and informational filings, which include DTC's rates for service, should also be effective upon filing (i.e., August 20, 2007, the date that DTC initially filed its tariff and informational filings). Further, the commission notes that DTC had been providing services basically under these same tariff and informational filings since it received temporary authority to

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<sup>1</sup>See HAR § 6-76.1-31(b).

provide STS under the Interim Order.<sup>2</sup> Thus, the commission finds it reasonable to require DTC to file revised tariff and informational filings with an appropriate issued date and an effective date of August 20, 2007, within 15 days of the date of this Order, in accordance with Decision and Order No. 23552 and the commission requirements herein. Similar to the commission's directive in Decision and Order No. 23552, DTC should file an original and three copies of its revised tariff and informational filings and two copies of the same should be filed with the DIVISION OF CONSUMER ADVOCACY, DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS ("Consumer Advocate")<sup>3</sup> consistent with HAR § 6-61-18.

## II.

### Orders

#### THE COMMISSION ORDERS:

1. Within 15 days of the date of this Order, DTC shall file an original and three copies of its revised tariff and informational filings with an appropriate issued date and an effective date of August 20, 2007, in accordance with Decision and Order No. 23552 and the commission's requirements herein. Two copies of the same shall be served on the Consumer Advocate consistent with HAR § 6-61-18.

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<sup>2</sup>Since the Interim Order as issued on August 29, 2003, DTC has been providing services under its tariff and informational filings for approximately four years.

<sup>3</sup>The Consumer Advocate is an ex officio party to this proceeding pursuant to Hawaii Revised Statutes § 269-51 and HAR § 6-61-62.

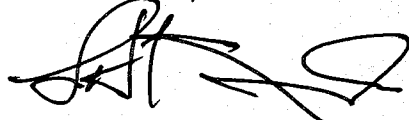
2. Unless ordered otherwise by the commission, DTC's revised tariff and information filings, with the applicable issued and effective dates, shall be deemed approved upon filing to the extent it complies with Decision and Order No. 23552 and the commission's requirements herein, and this docket shall be closed.

DONE at Honolulu, Hawaii SEP 13 2007.


PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Carlito P. Caliboso, Chairman

By (RECUSED)  
John E. Cole, Commissioner

  
By Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:

  
Ji Sook Kim  
Commission Counsel

03-0240.cp

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 23660 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

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Counsel for SUMMIT COMMUNICATIONS, INC.

  
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Karen Higashi

DATED: SEP 13 2007