

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Request of)
TELHAWAII, INC.)
To Voluntarily Surrender its)
Certificate of Authority.)
_____)

DOCKET NO. 94-0346

ORDER NO. 23786

Filed Oct. 29, 2007
At 11 o'clock A .M.

Karen Higashi.
Chief Clerk of the Commission

RECEIVED

2007 OCT 30 A 9:27

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

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

K. Higashi.

(2) paid the applicable public utility fees; and (3) verifies that it is unable to locate the original COA issued to Petitioner. In support of this request to surrender, Petitioner states that it "no longer operates in the State of Hawaii and has no facilities or customers."³

II.

Discussion

Hawaii Administrative Rules ("HAR") § 6-80-122 provides in respective part:

Abandonment or discontinuance of noncompetitive service. (a) A telecommunications carrier intending or seeking to abandon or discontinue offering or providing a noncompetitive service in any geographic or exchange area shall, not later than six months before the proposed date of abandonment or discontinuance of service, provide a written notice of its intent to:

- (1) The commission;
- (2) The consumer advocate;
- (3) Its affected customers; and
- (4) Every telecommunication carrier in the State providing the same or equivalent service that is proposed to be abandoned or discontinued.

(b) The commission shall investigate the proposed abandonment or discontinuance of service. It may suspend the proposed abandonment or discontinuance of service and, after an expedited hearing:

- (1) Allow the proposed abandonment or discontinuance to take effect upon such reasonable terms and conditions that it deems are in the public interest;

HAR § 6-80-122.

³Petitioner's letter, dated October 9, 2007.

By letter dated July 16, 1999, Petitioner initially informed the commission of its intent to discontinue its provisioning of telecommunications services by August 31, 1999, and that all of its customers (subject to their consent) would be transitioned to the incumbent telecommunications carrier, then known as GTE Hawaiian Telephone Co. Inc ("GTE"), by that date.⁴ At that time, Petitioner stated its "inten[t] to maintain its certificate in the event that it becomes appropriate to provide service in Hawaii in the future."⁵

Since August 1999, Petitioner has effectively ceased its operations within the State, and it has no facilities or customers. Thus, Petitioner now seeks to surrender its COA.

The commission approves the voluntary surrender of Petitioner's COA, and waives the requirements set forth in HAR § 6-80-122(a) and (b) governing customer notification and an expedited hearing, as Petitioner ceased its operations in August 1999, and has no customers to notify of its discontinuance of telecommunications services.

⁴See In re TelHawaii, Inc., Docket No. 97-0026, Petitioner's letter, dated July 16, 1999. Petitioner sent copies of its letter to "all the appropriate persons, including our customers, the Consumer Advocate, other basic service providers in the State and GTE." According to Petitioner, "relatively few customers [would be] affected by TelHawaii's closure[.]"

⁵Docket No. 97-0026, Petitioner's letter, dated July 16, 1999, at 2.

III.

Orders

THE COMMISSION ORDERS:

1. Petitioner's request to surrender its COA to provide telecommunications services within the State is approved, effective from the date of this Order.

2. The requirements governing customer notification and an expedited hearing set forth in HAR § 6-80-122(a) and (b) are waived.

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

DONE at Honolulu, Hawaii OCT 29 2007.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By Carlito P. Caliboso
Carlito P. Caliboso, Chairman

By John E. Cole
John E. Cole, Commissioner

APPROVED AS TO FORM:

Michael Azama
Michael Azama
Commission Counsel

By Leslie H. Kondo
Leslie H. Kondo, Commissioner

94-0346.sl

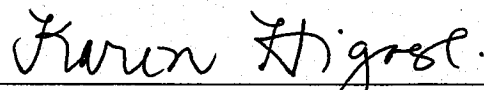
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 23786 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

CATHERINE P. AWAKUNI
EXECUTIVE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
P. O. Box 541
Honolulu, HI 96809

BRENDA SHEPARD
CHIEF FINANCIAL OFFICER
TELALASKA
201 E. 56th Avenue
Anchorage, AK 99518

For TELHAWAII, INC.



Karen Higashi

DATED: OCT 29 2007