BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Request of

ACCERIS MANAGEMENT AND
ACQUISITION LLC

To Voluntarily Surrender its
Certificate of Authority.

ORDER NO. 24121

Filed April 4, 2008
At 9 o'clock A.M.

Karen Higash
Chief Clerk of the Commission

ATTEST: A True Copy
KAREN HIGASHI
Chief Clerk, Public Utilities
Commission, State of Hawaii
BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Request of

ACERIS MANAGEMENT AND
ACQUISITION LLC

To Voluntarily Surrender its
Certificate of Authority.

ORDER

By this Order, the commission approves the voluntary surrender of ACERIS MANAGEMENT AND ACQUISITION LLC's ("Petitioner") certificate of authority ("COA") to operate as a reseller of intrastate telecommunications services.

I.

Background

Petitioner holds a COA to operate as a reseller of intrastate telecommunications services.¹ Petitioner requests the commission's approval to voluntarily surrender its COA, by letter

¹See Decision and Order No. 22314, filed on March 10, 2006 (COA issued to Petitioner); see also In re First Comm., LLC, Docket No. 2006-0471, Decision and Order No. 23499, filed on June 20, 2007 (prior to surrendering its COA, Petitioner shall file any annual financial reports and pay any applicable public utility fees due and owing to the commission).
dated August 7, 2007. In support of its request, Petitioner states:

[Petitioner] ceased to provide service to customers in your state on March 1, 2007 due to a sale of substantially all of its assets, including the customer base and related assets to First Communications LLC, a licensed telecommunications carrier in your state. [Petitioner] is not intending now, or in the future to provide telecommunications services in your state.

Petitioner's letter, dated August 7, 2007, at 1; see also In re First Comm., LLC, Docket No. 2006-0471, Decision and Order No. 23499, filed on June 20, 2007 (transfer of Petitioner's customer base to First Communications, LLC, following written notification to the affected customers).

By letter dated September 11, 2007, the commission informed Petitioner of the need to: (1) file its 2006 and 2007 Annual Financial Reports; and (2) pay the applicable public utility fees. On March 24, 2008, Petitioner complied in toto with the commission's directive.

II.
Discussion

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; and (2) waives the customer notification requirement set forth in HAR § 6-80-123(a), as Petitioner's customer base was effectively transferred to First Communications, LLC upon the closing of the subject transaction in In re First Comm., LLC, Docket No. 2006-0471.

III.

Orders

THE COMMISSION ORDERS:

1. Petitioner's request to surrender its COA to operate as a reseller of intrastate telecommunications services is approved, effective from the date of this Order.

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.

Footnote: In the Annual Financial Reports submitted to the commission on March 24, 2008, Petitioner lists a new address (Pittsburgh, PA). A copy of this Order will be served upon Petitioner's new address, and upon the address listed in Petitioner's letter, dated August 7, 2007.
DONE at Honolulu, Hawaii APR - 4 2008

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By Carlito P. Caliboso, Chairman

John E. Cole, Commissioner

Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:

Michael Azama
Commission Counsel

05-0165.iaa
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 24121 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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EXECUTIVE DIRECTOR
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DATED: APR - 4 2008