

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Request of)
)
TON SERVICES, INC.)
)
To Voluntarily Surrender its)
Certificate of Authority and its)
Certificate of Registration.)
_____)

DOCKET NO. 2009-0292

ORDER APPROVING THE VOLUNTARY SURRENDER OF
A CERTIFICATE OF AUTHORITY

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PUBLIC UTILITIES
COMMISSION

FILED

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A CERTIFICATE OF AUTHORITY

By this Order, the commission approves the voluntary surrender of TON SERVICES, INC.'s ("Petitioner") certificate of authority ("COA").

I.

Background

Petitioner is the holder of a COA to provide intrastate telecommunications services on a resold basis.¹ By letter dated September 21, 2009, Petitioner requests the commission's approval to voluntarily surrender its COA.² Petitioner represents that it

¹In re TON Services, Inc., Docket No. 04-0171, Decision and Order No. 21445, filed on November 4, 2004.

²Petitioner also requested the commission's approval to voluntarily surrender its certificate of registration ("COR") to provide commercial mobile radio services on a resold basis. However, the commission, on December 8, 2009, in In re TON Serv., Inc., dba Flying J Comm., Docket No. 2009-0276, revoked Petitioner's COR. Thus, Petitioner's request to voluntarily surrender its COR is moot.

has no customers to notify of its discontinuance of telecommunications services. By letter dated October 5, 2009, the commission informed Petitioner of its need to submit 2009 Annual Financial Report and pay the applicable public utility fees.³ On December 9, 2009, Petitioner substantially complied with the commission's directive by paying the applicable public utility fees based on zero revenues generated during the 2008-2009 period.

II.

Discussion

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[.]

³By this same letter, the commission also forwarded a copy of Petitioner's request to the Division of Consumer Advocacy ("Consumer Advocate"), consistent with Hawaii Administrative Rules ("HAR") § 6-80-123(a).

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 represents that it has no Hawaii-based customers to notify of its intent to discontinue intrastate telecommunications services.

III.

Orders

THE COMMISSION ORDERS:

1. Petitioner's request to surrender its COA to provide intrastate telecommunications services on a resold basis 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.

DONE at Honolulu, Hawaii DEC 14 2009.


PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
John E. Cole, Commissioner


By _____
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:


Michael Azama
Commission Counsel

2009-0292.laa

CERTIFICATE OF SERVICE

The foregoing order was served on the date of filing by mail, postage prepaid, and properly addressed to the following parties:

DEAN K. NISHINA
EXECUTIVE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
P. O. Box 541
Honolulu, HI 96809

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