BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Application of)
)

   PRIMUS TELECOMMUNICATIONS, INC.)   DOCKET NO. 2009-0326

)

For Approval to Participate in a   )
Financing Arrangement.   )
_____)

DECISION AND ORDER

BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Application of)
)

    PRIMUS TELECOMMUNICATIONS, INC.)   Docket No. 2009-0326
)
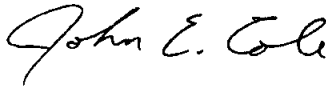
For Approval to Participate in a   )
Financing Arrangement.   )
_____)

DECISION AND ORDER

By this Decision and Order, the commission waives all regulatory requirements related to the proposed transaction, described in the application filed on November 16, 2009, pursuant to Act 180, 2009 Session Laws of Hawaii ("Act 180")[1]; HRS § 269-16.9(e); and Hawaii Administrative Rules § 6-80-135.[2]

_____

[1]Act 180, which took effect on July 15, 2009, essentially classified Hawaii's retail local exchange intrastate services as fully competitive. Under Hawaii Revised Statutes ("HRS") § 269-16(e), the commission is allowed to waive regulatory requirements under HRS Chapter 269 upon a determination that competition will serve the same purpose as public interest regulation.

[2]The commission will continue to examine each application or petition and make determinations on a case-by-case basis. Thus, our waiver in this instance should not be construed by any public utility, including applicant, as a basis for not filing an application or petition.

DONE at Honolulu, Hawaii ____**DEC 2 8 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:

_____
Ji Sook Kim
Commission Counsel

2009-0326.cp

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 NISHINA
EXECUTIVE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
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