ORDER NO. 19424

Filed June 20, 2002
At 8:00 o’clock A.M.

Karen Higashi
Chief Clerk of the Commission
BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of

NYNEX LONG DISTANCE COMPANY, dba VERIZON ENTERPRISE SOLUTIONS

Transmittal Filed on April 10, 2002,
Business Plan C Bundled Service Option.

Docket No. 02-0103
Order No. 19424

ORDER

I.

This order addresses the portion of the transmittal filed by NYNEX LONG DISTANCE COMPANY, dba VERIZON ENTERPRISE SOLUTIONS (NYNEX), on April 10, 2002, and subsequently suspended by Order No. 19327, filed on April 25, 2002. NYNEX's transmittal, among other things, introduced a new service offering known as the Business Plan C Bundled Service Option (Plan C). Order No. 19327 instructed NYNEX as follows:

No later than May 17, 2002, NYNEX must, in writing, comply with Hawaii Administrative Rules (HAR) § 6-80-35(e), to the extent applicable, or explain why it believes this rule does not apply to its Plan C offering.

To date, NYNEX has not responded to Order No. 19327.¹

The commission, thus, will complete its review of the subject transmittal in the absence of NYNEX's response.

Upon review, the commission reiterates its findings that Plan C, set forth at pages 30.1 - 30.2, section 3.5.4, of

¹On May 31, 2002, the commission mailed a second copy of Order No. 19327 to NYNEX.
NYNEX's transmittal, appears to bundle certain services with non-competitive services offered to its affiliates. Thus, the commission's rules governing cross-subsidization applies to Plan C, and NYNEX has not met its burden of proof under HAR § 6-80-35. See also Hawaii Revised Statutes (HRS) § 269-39.

Accordingly, the commission will deny this provision of NYNEX's transmittal, relating to its proposed Plan C, in accordance with HRS § 269-16 and HAR § 6-80-40.²

II.

THE COMMISSION ORDERS:

1. The Business Plan C Bundled Service Option, set forth at pages 30.1 - 30.2, section 3.5.4, of NYNEX Long Distance Company's transmittal, filed on April 10, 2002, is denied.

2. This docket is closed.

DONE at Honolulu, Hawaii this 20th day of June, 2002.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By (EXCUSED)
Wayne H. Kimura, Commissioner

By (EXCUSED)
Janet E. Kawelo, Commissioner

By
Dennis R. Yamada, Chairman

APPROVED AS TO FORM:

Michael Azama
Commission Counsel

²The other provisions of NYNEX's transmittal, which took effect on April 20, 2002, were not suspended by the commission. 2
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No.19424 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
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Consultant to NYNEX LONG DISTANCE COMPANY,
dba VERIZON ENTERPRISE SOLUTIONS

DATED: June 20, 2002

Catherine Sakato