

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application)
)
 COMM SOUTH COMPANIES, INC.)
)
For approval of the transfer of)
control to Arcomm Holding Co.)
_____)

DOCKET NO. 02-0385

DECISION AND ORDER NO. 2009

Filed Feb. 7, 2003
At 9:00 o'clock A .M.

Karen Higashi
Chief Clerk of the Commission

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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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application)	
COMM SOUTH COMPANIES, INC.)	Docket No. 02-0385
For approval of the transfer of)	Decision and Order No. 20009
control to Arcomm Holding Co.)	
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DECISION AND ORDER

I.

By an application filed on October 25, 2002, COMM SOUTH COMPANIES, INC. (Applicant or Comm South) requests commission approval for the transfer of control of Comm South, an authorized reseller of telecommunications services in the State of Hawaii. Applicant makes its request pursuant to Hawaii Revised Statutes (HRS) § 269-19.¹ The Division of Consumer Advocacy, Department of Commerce and Consumer Affairs, did not submit a position statement.

II.

Applicant is a privately-held Texas corporation. Applicant is authorized to provide local telecommunications

¹Because the transfer of control involves neither a disposition of property nor a merger or consolidation of property with another telecommunications carrier, HRS § 269-19 is inapplicable. Instead, we will assert jurisdiction over this application and review it, pursuant to HRS § 269-7. See Decision and Order No. 17670, filed on April 12, 2000, in Docket No. 99-0392.

services in Hawaii². Applicant is a wholly owned subsidiary of Arbros Communications, Inc.

Arbros Communications Inc. (Arbros), is a Delaware corporation and is a wholly owned subsidiary of Arcomm Holding Co. (Arcomm), a corporation organized, existing and in good standing under the laws of the State of Delaware. Kwok-Leung Li is the sole director of both Arbros and Arcomm.

On June 14, 2002, Applicant underwent a corporate reorganization, whereby Arbros allocated 100 per cent of the outstanding shares of Applicant to Arcomm.

III.

The commission has jurisdiction to review stock issuances and all similar corporate transactions of the parent entity of a regulated public utility under HRS § 269-7. Under HRS § 269-7, the commission will approve the transaction if it is reasonable and consistent with the public interest. We find that the proposed transfer control of Applicant from Arbros to Arcomm, as described in the Application is reasonable and in the public interest. The record indicates that this transfer of control will not affect Applicant's fitness, willingness, and ability to provide telecommunications services in Hawaii, and will not have any adverse impact on Applicant's Hawaii customers.

²See Decision and Order No. 16289, filed on April 17, 1998, in Docket No. 98-0100.

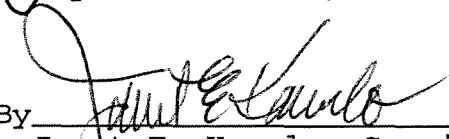
IV.

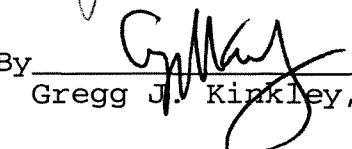
THE COMMISSION ORDERS that Applicant's request to approve the transfer of control of Applicant from Arbros to Arcomm, is granted, nunc pro tunc.

DONE at Honolulu, Hawaii this 7th day of February, 2003.


PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Wayne H. Kimura, Chairman

By 
Janet E. Kawelo, Commissioner

By 
Gregg J. Kinkley, Commissioner

APPROVED AS TO FORM:


Kevin M. Katsura
Commission Counsel

02-0385.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 20009 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
P. O. Box 541
Honolulu, HI 96809

SHERI PRINGLE
DIRECTOR- REGULATORY AFFAIRS
COMM SOUTH COMPANIES, INC.
6830 Walling Lane
Dallas, TX 75231



Karen Higashi

DATED: February 7, 2003