

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of )  
JTL ENTERPRISES, LLC )  
For a Certificate of Authority to )  
Provide Wireless Telecommunications )  
Service on a Resale Basis. )  
\_\_\_\_\_ )

DOCKET NO. 02-0428

DIV. OF CONSUMER ADVOCACY  
DEPT. OF COMMERCE AND  
CONSUMER AFFAIRS  
STATE OF HAWAII

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DECISION AND ORDER NO. 20013

Filed Feb. 11, 2003  
At 8:00 o'clock A.M.

Karen Higashi.  
Chief Clerk of the Commission

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 of)	
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DECISION AND ORDER

I.

By an application filed on December 23, 2002, JTL ENTERPRISES, LLC (Applicant) requests that the commission grant it a certificate of authority (COA) to provide wireless telecommunications services on a resale basis within the State of Hawaii (State). Applicant makes its request pursuant Hawaii Revised Statutes (HRS) chapter 269 and Hawaii Administrative Rules (HAR) chapter 6-80.

Copies of the application were served on the DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS, DIVISION OF CONSUMER ADVOCACY (Consumer Advocate). By statement of position filed on January 17, 2003, the Consumer Advocate informed us that it does not object to approval of Applicant's request, provided that Applicant revises certain sections of its proposed tariff.

II.

Applicant is a Hawaii limited liability company. It is wholly owned by J.T.B. Overseas Development Corp., a Hawaii corporation.

Applicant seeks authority to provide wireless telecommunications services throughout the State on a resold basis. Initially Applicant intends to utilize the network facilities of Verizon Wireless to provide its services, however, it asserts that other underlying carriers may be used in the future.<sup>1</sup> Specifically, Applicant intends to rent the wireless phones, batteries, and chargers to its customers, primarily Japanese tourist, to allow them to make intrastate, inter-island, and interstate calls; calls between Hawaii and Japan; and emergency 911 calls. Additionally, the rented wireless phones will be specially programmed to allow Applicant's customers to access a customer service center with English-speaking and Japanese-speaking agents.

### III.

Upon review of the application, the commission makes the following findings pursuant to HAR § 6-80-18:

1. Applicant possesses sufficient technical, financial, and managerial resources and abilities to provide the proposed services;

2. Applicant is fit, willing, and able to properly perform the telecommunications services proposed and to conform to the terms, conditions, and rules prescribed or adopted by the commission; and

3. Applicant's proposed telecommunications services are in the public interest.

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<sup>1</sup>The underlying carrier will originate, route, and terminate the calls.

Accordingly, the commission concludes that Applicant should be granted a COA to provide intrastate wireless telecommunications services on a resold basis in the State. Furthermore, based on our review of Applicant's proposed tariff and the Consumer Advocate's concerns, we also conclude that Applicant should revise its proposed tariff as follows:

1. Section 2.7 (original sheet no. 5)  
The second paragraph of this section contains the statement on Applicant's business hours. This paragraph also sets forth the commission's address and telephone number. For clarify, the statement on Applicant's business hours should be moved to the first paragraph of this section.
2. Section 2.9.5 (original sheet no. 6) -  
In this section, Applicant states that it may refuse or discontinue service for nonpayment of bills. Pursuant to HAR § 6-80-106, this section should be amended to state that service may be refused or discontinued if Applicant does not receive any sum due that is not in dispute.
3. Section 3.1.2 (original sheet no. 8) and section 4.2.2 (original sheet no. 9) -  
These sections should be amended for consistency and clarity regarding the types of calls and applicable charges.

#### IV.

##### THE COMMISSION ORDERS:

1. Applicant is granted a COA to provide intrastate wireless telecommunications services on a resold basis in the State.
2. As a holder of a COA, Applicant shall be subject to all applicable provisions of HRS chapter 269, HAR chapters 6-80 and 6-81, any other applicable State laws and

commission rules, and any orders that the commission may issue from time to time.

3. Applicant shall file tariffs in accordance with HAR §§ 6-80-39 and 6-80-40. Accordingly, among other things, to the extent Applicant provides telecommunications services on a resold basis, which are fully competitive, Applicant's tariff shall take effect upon filing with the commission, pursuant to HAR § 6-80-40(a). Applicant shall ensure that the appropriate effective date is reflected in its tariff. In the event of a conflict between any provision of Applicant's tariff and State law, State law shall prevail.

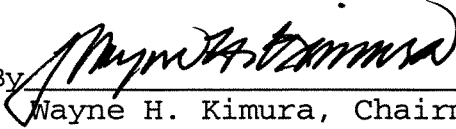
4. Applicant shall conform its proposed tariff to the provisions of HAR chapter 6-80 by, among other things, incorporating the tariff revisions set forth in section III of this decision and order. The tariff revisions shall be incorporated into the original tariff. An original and eight copies of the tariff, complete with the revised pages, shall be filed with the commission, and two copies of the same shall be served on the Consumer Advocate.

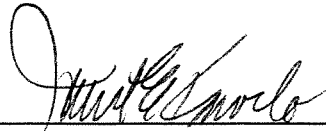
5. Within 30 days of the date of this decision and order, Applicant shall pay a public utility fee of \$60, pursuant to HRS § 269-30. Checks shall be made payable to the Hawaii Public Utilities Commission and sent to 465 South King Street, Suite 103, Honolulu, Hawaii, 96813.

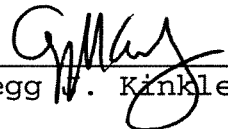
6. In accordance with HAR § 6-80-39, Applicant shall not offer, initiate, or provide any telecommunications services within the State, at wholesale or retail, until it complies with the requirements set forth in this decision and order.

DONE at Honolulu, Hawaii this 11th day of February,  
2003.

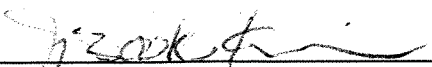
PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Wayne H. Kimura, Chairman

By   
Janet E. Kawelo, Commissioner

By   
Gregg W. Kinkley, Commissioner

APPROVED AS TO FORM:

  
Ji Sook Kim  
Commission Counsel

02-0428.eh

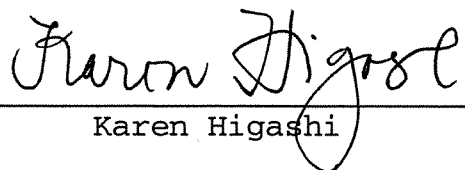
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 20013 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

TETSUO NAKATANI  
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GOODSILL ANDERSON QUINN & STIFEL  
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1099 Alakea Street  
Honolulu, HI 96813

  
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Karen Higashi

DATED: February 11, 2003