

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
BEE LINE LONG DISTANCE, LLC,)
dba HELLO TELECOM)
For a Certificate of Authority)
To Provide Intrastate)
Telecommunications Services)
Within the State of Hawaii and)
For Approval of its Initial)
Tariff.)
_____)

DOCKET NO. 03-0019

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

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RECEIVED

DECISION AND ORDER NO. 20069

Filed March 11, 2003
At 9:00 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.

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OF THE STATE OF HAWAII

In the Matter of the Application of))	
BEE LINE LONG DISTANCE, LLC,)	
dba HELLO TELECOM)	Docket No. 03-0019
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For a Certificate of Authority)	Decision and Order No. 20069
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DECISION AND ORDER

I.

By application filed on January 29, 2003, BEE LINE LONG DISTANCE, LLC, dba HELLO TELECOM (Applicant) requests a certificate of authority (COA) to provide intrastate telecommunications services within the State of Hawaii (State) and for approval of its initial tariff, pursuant to Hawaii Revised Statutes (HRS) §§ 269-7.5, -16 and Hawaii Administrative Rules (HAR) § 6-80-17.

Copies of the application were served on the Division of Consumer Advocacy, Department of Commerce and Consumer Affairs (Consumer Advocate). By a statement of position filed on February 19, 2003, the Consumer Advocate states that it does not object to approval of the application.

II.

Applicant is a Utah company, with its principal place of business in Orem, Utah. Applicant is authorized to do business in

the State of Hawaii (State) as a foreign limited liability company. Applicant is currently in the process of requesting authority to provide resold telecommunications services in all 50 states. In Hawaii, Applicant proposes to offer resold "1+" telecommunications services, including Message Telecommunications Service, out-Wide Area Telecommunications Services (WATS), in-WATS, and Calling Card services.

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.

Accordingly, we conclude that Applicant should be granted a COA to operate as a reseller of intrastate telecommunications services. Additionally, based on our review of the proposed tariff and the Consumer Advocate's comments, we also conclude that Applicant should revise its proposed tariff as follows:

1. Revise section 2.12 on original page 17 so that the late payment fee charged to customers is not more than one per cent per month on any past due balance.

2. Amend all provisions relating to Applicant's exemption from or limitation of liability (including indemnification) to include the proviso that in the event of a conflict with State law, State law will prevail.

Applicant also asks that it be allowed to keep its books and records in the state of Utah and says that it will promptly make these materials available to the commission upon request. This request is consistent with HAR § 6-80-136(a)(3), and therefore commission approval is not necessary.

IV.

THE COMMISSION ORDERS:

1. Applicant is granted a COA to operate as a reseller of intrastate telecommunications services 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 its tariff in accordance with HAR §§ 6-80-39 and 6-80-40. Applicant's tariff shall comply with the provisions of HAR chapter 6-80. In the event of a conflict between any provision of a 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 into the original tariff. An original and

eight copies of the tariff, complete with the revised pages, shall be delivered to the commission, and two copies of the same shall be served on the Consumer Advocate.

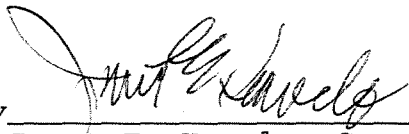
5. Within 30 days of the date of this decision and order, Applicant shall pay a public utility fee of \$60, pursuant to HRS § 269-30, with check made payable to the Hawaii Public Utilities Commission, at 465 South King Street, Room 103, Honolulu, Hawaii, 96813.

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.

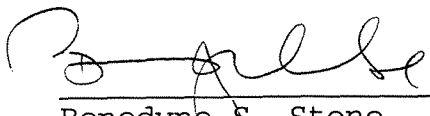
DONE at Honolulu, Hawaii this 11th day of March, 2003.

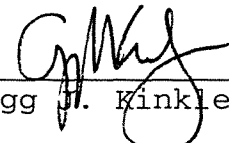
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

BY 
Wayne H. Kimura, Chairman

BY 
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:


Benedyne S. Stone
Commission Counsel

BY 
Gregg H. Kinkley, Commissioner

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 20069 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

PATRICK D. CROCKER, ESQ.
EARLY, LENNON, CROCKER & BARTOSIEWICZ, P.L.C.
900 Comerica Building
Kalamazoo, MI 49007-4752



Karen Higashi

DATED: March 11, 2003