

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
PACIFIC COMMUNICATION)
SERVICE, LLC)
For a Certificate of Authority)
To Provide Wireless)
Telecommunications Service on)
Resale Basis.)
_____)

DOCKET NO. 03-0081

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

DECISION AND ORDER NO. 20167

Filed May 6, 2003
At 10:00 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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DECISION AND ORDER

I.

By an application filed on March 28, 2003, PACIFIC COMMUNICATION SERVICE, LLC (Applicant) requests a certificate of authority (COA) to provide wireless telecommunication services on a resale basis within the State of Hawaii (State). Applicant makes its request pursuant to 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). On April 16, 2003, the Consumer Advocate filed its position statement, indicating that it does not object to the approval of the application, provided that Applicant revises certain sections of its proposed tariff.

II.

Applicant is a Hawaii limited liability company with its principal place of business in Honolulu, Hawaii. In affiliation with JALPAK Hawaii, Applicant provides management, consulting, set-up, delivery and partial rental contractor services for Japanese customers desiring to use cellular phones in Hawaii. It also provides business consulting services to Japanese customers for, among other things, wedding receptions, parties and dinners.

Applicant seeks authority to provide wireless telecommunications services throughout the State on a resold basis. Specifically, Applicant intends to utilize the network facilities of Verizon Wireless¹ to provide its services, but other underlying carriers may be used in the future.² From various locations in the State, Applicant intends to rent the wireless phones to its Japanese customers to allow them to make intrastate, inter-island and interstate calls between Hawaii and Japan including, without limitation, emergency 911 calls. Additionally, the rented wireless phones will be specially programmed to allow Applicant's customers to access special services. These special services are intended to assist its customers with, among other things, language interpretation, rental car and taxi reservations, and information relating to shopping, weather and transportation services. Each customer

¹Applicant states that the underlying carrier will originate, route, and terminate the calls.

²Applicant represents that it may contract with other facilities-based wireless telecommunications carriers in the future, in which its services will remain substantially the same.

will be billed in accordance with Applicant's proposed tariff for the airtime, applicable insurance charges and special services charges incurred.

III.

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

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, 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 the proposed tariff and the Consumer Advocate's concerns, we also conclude that Applicant's proposed tariff requires the following revisions:

1. The eight sheets entitled "Wireless Rental Application Form" should not only be attached and made a part of Applicant's proposed tariff, but also be appropriately referenced in Section 2.1 of the proposed tariff;

2. Each page of Applicant's proposed tariff (including the "Wireless Rental Application Form,") should be appropriately numbered (i.e., "PUC Tariff No. 1, Original Sheet No. 1, PUC Tariff No. 1, Original Sheet No. 2");
3. Section 2.7 of Applicant's proposed tariff should be amended to include the commission's address and telephone number and all applicable customer complaints and/or billing dispute instructions and requirements set forth under HAR §§ 6-80-102 and 6-80-107;
4. Section 2.9 of Applicant's proposed tariff should be amended to include information and requirements consistent with HAR § 6-80-106;

In addition, as noted infra, where Applicant's proposed tariff in particular, Section 2.4, LIABILITIES OF THE COMPANY," and Section 2.11, "COST OF COLLECTION AND REPAIR," conflicts with State law, State law shall prevail.

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, other applicable State law 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

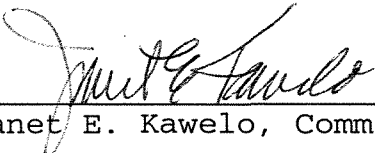
within the State, at wholesale or retail, until it complies with the requirements set forth in this decision and order.

DONE at Honolulu, Hawaii this 6th day of May, 2003.

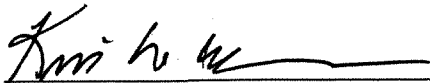
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By (EXCUSED)
Wayne H. Kimura, Commissioner

By 
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:


Kris N. Nakagawa
Commission Counsel

03-0081.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 20167 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

TOMIYOSHI KATAOKA, PRESIDENT
PACIFIC COMMUNICATIONS SERVICE, LLC
2270 Kalakaua Avenue, Suite 1502
Honolulu, HI 96815



Karen Higashi

DATED: May 6, 2003