BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of -----

PACIFIC LIGHTNET, INC.,
Complainant,

vs.

VERIZON HAWAII INC.,
Respondent.

DOCKET NO. 03-0027

ORDER NO. 20399

Filed August 28, 2003
At 1:30 o'clock P.M.

Karen Higashi
Chief Clerk of the Commission

ATTEST: A True Copy
KAREN HIGASHI
BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of -----

PACIFIC LIGHTNET, INC.,
Complainant,

vs.

VERIZON HAWAII INC.,
Respondent.

Docket No. 03-0027
Order No. 20399

ORDER

I.

By Notice of Hearing filed on August 12, 2003, the commission established a date and time at which it would hold a status telephone conference with PACIFIC LIGHTNET, INC. ("PLNI"), Complainant, and VERIZON HAWAII INC. ("Verizon Hawaii"), Respondent (collectively, the "Parties"), to discuss the scope of and procedures for the hearing that will be held on Verizon Hawaii's Motion to Dismiss Complaint ("Motion to Dismiss").¹

On August 27, 2003 at 10:00 a.m., the commission held a status telephone conference with representatives and counsel for PLNI and Verizon Hawaii, wherein the procedures and scope for the

¹The Notice of Hearing noted that the commission would contact PLNI, Verizon Hawaii, and the Division of Consumer Advocacy for the status telephone conference. However, on August 11, 2003, by a Preliminary Statement of Position, the Consumer Advocate informed the commission that it will not participate in the instant docket and requested that it continue to receive copies of all of the documents filed in the proceeding.
hearing on the Motion to Dismiss were discussed. This order memorializes the discussions of the procedures and scope of the hearing that is scheduled for Monday, September 8, 2003 at 10:00 a.m. in the commission's hearing room on the Motion to Dismiss.

II.

THE COMMISSION ORDERS that the following procedures will apply at the hearing on Verizon Hawaii's Motion to Dismiss, scheduled for Monday, September 8, 2003 at 10:00 a.m. in the commission's hearing room:

1. Counsel representing the Parties shall limit their presentations at the hearing on the Motion to Dismiss to oral arguments only. Counsel may not offer witness testimony in support of their positions.

2. Counsel representing the Parties shall have the following amount of time for the presentation of their arguments:
   a. Verizon Hawaii's opening presentation - approximately 10 minutes
   b. PLNI's opening presentation - approximately 10 to 30 minutes
   c. Verizon Hawaii's rebuttal to PLNI's argument - approximately 10 to 30 minutes

3. Counsel representing the Parties shall not supplement the record by filing additional pleadings or affidavits on the Motion to Dismiss.
4. Upon completion of the oral arguments, the Commissioners shall take the matter under advisement and shall render a decision on the Motion to Dismiss in a written order.

In accordance with HAR § 6-61-21(b), PLNI and Verizon Hawaii shall continue to serve two copies of any document filed with the commission upon the Consumer Advocate.

DONE at Honolulu, Hawaii this 28th day of August, 2003.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By ____________________________
Carlito P. Caliboso, Chairman

By ____________________________
Wayne H. Kimura, Commissioner

By ____________________________
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

Catherine P. Awakuni
Commission Counsel
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 20399 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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DATED: August 28, 2003

Karen Higashi