

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

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

2003 AUG 29 P 4: 04

RECEIVED

Filed August 28, 2003
At 1:30 o'clock P.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 -----)
)
PACIFIC LIGHTNET, INC.,) Docket No. 03-0027
)
Complainant,) Order No. 20399
)
vs.)
)
VERIZON HAWAII INC.,)
)
Respondent.)
-----)

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

03-0027.eh

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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Karen Higashi

DATED: August 28, 2003