BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
)
TIME WARNER TELECOM OF HAWAII, L.P.)
dba OCEANIC COMMUNICATIONS )
)
For Authority to Implement Tariff )
Changes. Transmittal No. 03-09 )
)
)
DOCKET NO. 03-0363

ORDER NO. 20558

Filed Oct. 7, 2003
At 12:00 o’clock P.M.

Karen Higashi
Clerk of the Commission

ATTEST: A True Copy
KAREN HIGASHI
Chief Clerk, Public Utilities
Commission, State of Hawaii.
ORDER

I.

On September 11, 2003, TIME WARNER TELECOM OF HAWAII, L.P., dba OCEANIC COMMUNICATIONS ("Oceanic Communications") filed Transmittal No. 03-09, requesting commission approval to amend its Tariff No. 2—Local Services to introduce the "Time Warner Telecom 4th Quarter 2003" Promotion. Oceanic Communications served a copy of the transmittal on the Department of Commerce and Consumer Affairs, Division of Consumer Advocacy ("Consumer Advocate"). Oceanic Communications requested that transmittal number 03-09 become effective on October 11, 2003.

II.

Oceanic Communications proposes to make the "Time Warner Telecom 4th Quarter 2003" promotion available from October 1, 2003 through January 30, 2004. The promotion allows Oceanic Communications’ customers to "combine VersiPak and IBL local voice and Internet Service with Toll Service and select the
exact number of voice and Internet channels needed to best suit their individual needs."

Verizon Hawaii Inc. filed a letter on September 29, 2003 in support "for allowing all telecommunications carriers to use tariff transmittals rather than applications to comply with Section 6-80-35(e) of the Hawaii Administrative Rules ("HAR")."

On October 2, 2003, the Consumer Advocate filed its Preliminary Statement of Position, recommending that the requested tariff change be suspended.

Oceanic Communications' transmittal does not include cost studies or other information that would allow the commission to determine whether such a promotion, which appears to involve the combination of noncompetitive services, services not regulated by the commission, and competitive toll services, will result in the cross-subsidization of Oceanic Communications' competitive services. Accordingly, the commission will suspend transmittal number 03-09, pending further commission review, in accordance with Hawaii Revised Statutes § 269-16 and HAR § 6-80-40. Unless ordered otherwise, Oceanic Communications shall not offer or provide its Time Warner Telecom 4th Quarter 2003 promotion.

III.

THE COMMISSION ORDERS:

1. Oceanic Communications' transmittal number 03-09, filed on September 11, 2003, is suspended pending further commission review.
2. Unless otherwise ordered, Oceanic Communications is precluded from offering or providing its proposed Time Warner Telecom 4th Quarter 2003 promotion. The commission will provide further guidance on this matter.

DONE at Honolulu, Hawaii this 7th day of October, 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. 20558 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

CONNIE WIGHTMAN
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Consultant to Time Warner Telecom of Hawaii, L.P., dba Oceanic Communications

DATED: October 7, 2003