BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Request of

NOW COMMUNICATIONS, INC.

DOCKET NO. 02-0396

To Voluntarily Surrender its Certificate of Authority.

ORDER NO. 21365

Filed Sept. 27, 2004
At 11 o'clock A.M.

Karen Higashl
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 the Request of)

NOW COMMUNICATIONS, INC. ) Docket No. 02-0396
)
To Voluntarily Surrender its ) Order No. 21365
Certificate of Authority. )

ORDER

NOW COMMUNICATIONS, INC. ("Petitioner") holds a certificate of authority ("COA") to operate as a reseller of telecommunications services in the State of Hawaii ("State").¹

Petitioner's counsel represents that:²

1. On March 4, 2003, Petitioner filed for Chapter 11 bankruptcy reorganization in the United States Bankruptcy Court for the Southern District of Mississippi (the "Court"). Petitioner, however, was unable to achieve a feasible reorganization.

2. Petitioner's customer base, assets, and certain liabilities were purchased by NOW Acquisition Corporation, Inc. and Essex Acquisition Corporation, Inc., wholly-owned subsidiaries of BiznessOnline.com, dba VeraNet Solutions, Inc., pursuant to a Court-approved asset purchase agreement, dated November 18, 2003. The purchase closed on March 31, 2004.

¹See Decision and Order No. 20200, filed on May 28, 2003.
3. Petitioner has no further operations or assets, and its office closed as of June 7, 2004. Petitioner's customers "were not adversely affected by the acquisition and transfer."

The commission notes that none of the acquiring entities have filed an application with this commission seeking approval: (1) of the above-described transaction; and (2) to transfer Petitioner's COA. Hence, the commission will treat Petitioner's counsel's letter as a request to voluntarily surrender Petitioner's COA.

Given Petitioner's bankrupt status and its non-provision of telecommunications services in the State, the commission: (1) approves the voluntary surrender of Petitioner's COA; and (2) waives the customer notification requirement set forth in Hawaii Administrative Rules ("HAR") § 6-80-123(a). Petitioner's counsel represents that Petitioner's former customers were not adversely affected by the acquisition and transfer of its former customer base, assets, and certain liabilities.

THE COMMISSION ORDERS:

1. Petitioner's request to surrender its COA to operate as a reseller of telecommunications services in the State is approved, effective from the date of this order.

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The commission notified Petitioner of its need to file its 2003 and 2004 annual financial reports. See commission letter, dated July 1, 2004. In the future event Petitioner, its parent, affiliate, or subsidiary, re-applies for a COA, it will be required to file Petitioner's 2003 and 2004 annual financial reports.
2. The customer notification requirement set forth in HAR § 6-80-123(a) is waived.

3. This docket is closed.

DONE at Honolulu, Hawaii ____ SEP 27 2004 ____

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:

Michael Azama
Commission Counsel
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 21365 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

LARRY W. SEAB
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SCOTT KELLOGG, ESQ.
180 N. Wacker Drive
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DATED: SEP 27 2004

Karen Higashi