BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)

ESODUS COMMUNICATIONS, INC.,
dba, INSTATONE

For a Certificate of Authority to
Provide Resold Local Exchange
Telecommunications Services Within
the State of Hawaii and for
approval of its initial tariff.

DOCKET NO. 04-0080

ORDER NO. 21393

Filed Oct. 1, 2004
At 2 o'clock P.M.

Karen Digest
Chief Clerk of the Commission

ATTEST: A True Copy
KAREN HIGASHI
Chief Clerk, Public Utilities
Commission, State of Hawaii.
In the Matter of the Application of)
)
ESODUS COMMUNICATIONS, INC.,
dba, INSTATONE
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For a Certificate of Authority to
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)

ORDER

I.

Introduction

On April 23, 2004, ESODUS COMMUNICATIONS, INC., dba
INSTATONE ("Applicant"), filed an application for a certificate
of authority to provide resold local exchange telecommunications
services within the State of Hawaii ("Application"). Applicant
makes its request pursuant to Hawaii Revised Statutes § 269-7.5
and Hawaii Administrative Rules ("HAR") § 6-80-17.

A copy of the Application was served on the
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS, DIVISION OF
CONSUMER ADVOCACY ("Consumer Advocate").¹

On September 14, 2004, the commission issued a
Notice of Intent to Dismiss Application, informing Applicant of
the commission's intent to dismiss its April 23, 2004
Application, without prejudice, due to Applicant's failure to

¹On May 27, 2004, the Consumer Advocate filed its Statement of Position.
submit updated financial statements (i.e., audited or unaudited financial statements dated no more than three (3) months from the date of the Application), pursuant to HAR § 6-80-17(c)(1)(E).

On September 23, 2004, Applicant requested approval to withdraw its Application.

Upon review, the commission finds good cause to grant Applicant's withdrawal request, and concludes that this docket should be closed.

II.

Orders

THE COMMISSION ORDERS:

1. Applicant's request, filed on September 23, 2004, to withdraw its Application, filed on April 23, 2004, is granted.

2. This docket is closed.
DONE at Honolulu, Hawaii  OCT 1  2004

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
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 21393 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

PATRICK D. CROCKER, ESQ.
EARLY, LENNON, CROCKER & BARTOSIEWICZ, P.L.C.
900 Comerica Building
Kalamazoo, MI  49007-4752

DATED: OCT 1 2004

Karen Higashi

Karen Higashi