BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of
CNG COMMUNICATIONS, LLC

DOCKET NO. 04-0354

For a Certificate of Registration
To Provide Intrastate Pay Telephone Service Within Hawaii.

DECISION AND ORDER NO. 21558

Filed Jan. 24, 2005
At 3 o'clock P.M.

Karen Digest
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 Application of
CNG COMMUNICATIONS, LLC
For a Certificate of Registration
To Provide Intrastate Pay Telephone Service Within Hawaii.

DEcision AND ORDER

By this decision and order, the commission grants CNG COMMUNICATIONS, LLC ("Applicant") a certificate of registration ("COR") to operate as a pay telephone service provider within the State of Hawaii ("State"), subject to certain conditions, as further described herein.

I.
Introduction

Applicant requests a COR to provide pay telephone service within the State.1 Applicant makes its request pursuant to Hawaii Revised Statutes ("HRS") § 269-7.5 and Hawaii Administrative Rules ("HAR") §§ 6-80-17, 6-80-18 and 6-82-11.

Applicant served a copy of its Application on the DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS, DIVISION OF CONSUMER ADVOCACY ("Consumer Advocate"). On January 4, 2005, the

1Applicant's application, filed on December 7, 2004 ("Application").
Consumer Advocate filed its Statement of Position informing the commission that it does not object to approval of the Application, subject to certain qualifications.\(^2\)

II.  
Description of Applicant and its Proposed Services  
Applicant is a Hawaii limited liability company with its principal place of business in Waipahu, Hawaii.\(^3\) Applicant intends to provide pay telephone service within the State. Specifically, Applicant proposes to offer and provide pay telephone services on the island of Oahu.

III.  
Discussion  
A.  
COR  
Upon review of the Application, the commission finds that Applicant has fulfilled the requirements of HAR § 6-80-17(d). Accordingly, the commission will grant Applicant a COR to operate as a pay telephone service provider within the State.

\(^2\)The Consumer Advocate raises various concerns and recommendations in its Statement of Position relating to Applicant's proposed tariff, which is discussed in more detail in Section III., below.

\(^3\)The commission takes official notice, pursuant to HAR § 6-61-48, of the records of the Department of Commerce and Consumer Affairs, Business Registration Division, indicating that Applicant is a limited liability company.
B.

Proposed Tariff

In its Statement of Position, the Consumer Advocate provides three (3) recommended revisions to Applicant's proposed tariff. Based on the commission's review of the Consumer Advocate's recommended revisions, we find all of its recommended revisions to be reasonable and necessary.

Based on the foregoing, the commission concludes that Applicant should revise its proposed tariff as follows:

1. The definition of Carrier-Company set forth in Section 2. Terms and Conditions (Original Page 5) should be amended to reflect "CNG Communications LLC" rather than "Island Breeze Services."

2. The commission agrees with the Consumer Advocate that since Applicant's proposed geographical scope of service will be initially for the island of Oahu only, a "toll free telephone number" is not necessary. However, should Applicant desire to expand its service to the other islands, Applicant is required to amend its tariff to include a "toll free telephone number." In the meantime, the language of Section 2.5.1.4. (Original Page 11) should be amended, in relevant part, to read as follows: "Complaints concerning charges or services described herein shall be handled as provided in the requirements set forth in HAR § 6-80-107. The Company will receive trouble
reports twenty-four hours a day and all other complaints during normal business hours at 808-671-8955." (new text underscored).

3. In Section 3.1. (Original Page 13), it states, in relevant part, that "Operator Services connection fees are set forth in Section 4.4 apply." However, Section 4.4 is missing from the proposed tariff and "Operator Services connection" is not defined. Accordingly, Applicant’s proposed tariff should incorporate Section 4.4 and appropriately define "Operator Services connection" in Section 2.1. In addition, Applicant should appropriately amend its proposed tariff to ensure that the section references cited in the applicable sections are incorporated in such tariff. See Sections 3.1.1 to 3.4.2.1 (Original Pages 13 and 14) and Section 4.1.2. (Original Page 15).

IV.
Orders

THE COMMISSION ORDERS:

1. Applicant is granted a COR to operate as a pay telephone service provider within the State.

2. As the holder of a COR, Applicant shall be subject to all applicable provisions of HRS chapter 269, HAR chapters 6-80, 6-81, and 6-82; any other applicable State laws
and commission rules; and any orders that the commission may
issue from time to time.

3. Applicant shall file its tariffs in accordance
with HAR §§ 6-80-39 and 6-80-40. Applicant's tariffs shall
comply with the provisions of HAR chapters 6-80 and 6-82. In the
event of a conflict between any tariff provision and State law,
State law shall prevail.

4. Applicant shall conform its initial tariff to the
applicable provisions of HAR chapters 6-80 and 6-82 by, among
other things, incorporating the tariff revisions set forth in
Section III. of this decision and order. An original and eight
(8) copies of the initial tariff shall be filed with the
commission, and two (2) additional copies shall be served on the
Consumer Advocate. Applicant shall ensure that the appropriate
issued and effective dates are reflected in its tariffs.

5. Within thirty (30) days from the date of this
decision and order, Applicant shall pay a public utility fee of
$60, pursuant to HRS § 269-30. The business check shall be made
payable to the Hawaii Public Utilities Commission, and sent to
the commission's office at 465 S. King Street #103, Honolulu, HI,
96813.

6. Failure to promptly comply with the requirements
set forth in paragraphs 3 to 5 may constitute cause to void this
decision and order, and may result in further regulatory action,
as authorized by law.
DONE at Honolulu, Hawaii                JAN 24 2005

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:

Kris N. Nakagawa
Commission Counsel
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 21558 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

CNG COMMUNICATIONS, LLC
c/o EUGENE C. KRAUS
94-1086 Pulelo Street
Waipahu, HI 96797-5047

DATED: JAN 24 2005