

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
VERIZON HAWAII INC.)
For Approval of the First Amendment)
to the License Agreement with)
Crown Castle GT Company LLC for)
Property at Hue Hue Radio Station)
in North Kona, Hawaii.)

DOCKET NO. 05-0061

DECISION AND ORDER NO. 21748

Filed April 14, 2005
At 11 o'clock A.M.

Karen Higashi
Chief Clerk of the Commission

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

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

K. Higashi

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DECISION AND ORDER

The commission approves the First Amendment to License Agreement dated October 12, 2004 (the "First Amendment"), between VERIZON HAWAII INC. ("Verizon Hawaii") and Crown Castle GT Company LLC ("Crown Castle"), to license ground space at the Hue Hue Radio Station in North Kona, Hawaii.

Verizon Hawaii: (1) requests the commission's approval of its First Amendment with Crown Castle, to license ground space at its Hue Hue Radio Station in North Kona, Hawaii;¹ and (2) makes its request pursuant to Hawaii Revised Statutes ("HRS") § 269-19 and Hawaii Administrative Rules § 6-61-105. Verizon Hawaii served copies of its Application upon the Department of Commerce and Consumer Affairs, Division of Consumer Advocacy ("Consumer Advocate") (collectively, the "Parties").

¹Verizon Hawaii's Application, Attachment I, Verification, and Certificate of Service, filed on March 9, 2005 (collectively, the "Application").

The Consumer Advocate does not object to the commission's approval of Verizon Hawaii's Application.²

On March 4, 1998, the commission approved the original License Agreement between GTE Hawaiian Telephone Company Inc. (nka Verizon Hawaii) and GTE Wireless of the Pacific Inc. ("GTE Wireless"), to license ground space at the Hue Hue Radio Station site for the operation and maintenance of cellular telecommunications equipment ("initial Agreement").³ "GTE Wireless subsequently assigned its rights as licensee under the License Agreement to Crown Castle."⁴

Crown Castle seeks to maintain and operate its generator equipment on an additional portion of the Hue Hue Radio Station site, and Verizon Hawaii consents to this request. Thus, the First Amendment expands the licensed property, as reflected in Attachment I, Exhibit 1, of Verizon Hawaii's Application.

Verizon Hawaii notes that the license fee under the First Amendment is increased by \$425 per month, and is based on the license fee approved by the commission in Docket No. 01-0094,

²Consumer Advocate's position statement, filed on March 31, 2005. The filing of the Consumer Advocate's position statement renders moot the need for the Parties to file a stipulated procedural schedule. See Order No. 21711, filed on March 31, 2005.

³Decision and Order No. 16229, filed on March 4, 1998, in Docket No. 97-0399.

⁴Verizon Hawaii's Application, at 2. See also Attachment I, at 1, of Verizon Hawaii's Application.

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but at a lower rate.⁵ The First Amendment also assesses a one (1)-time administrative fee of \$1,500 for the costs and services associated with entering into the First Amendment. The First Amendment, moreover, is subject to the commission's review and approval.⁶

The Consumer Advocate, following its review, finds that:

1. The First Amendment will not discriminate against other telecommunications carriers.

2. The terms and conditions of the First Amendment, including the amounts of the license fee and one-time administrative fee, are reasonable.

3. Verizon Hawaii will receive additional regulated revenues from the license fee.

4. The initial Agreement and First Amendment make it clear that Crown Castle's use of equipment at the tower site should not, in any manner, impair Verizon Hawaii's ability to provide telecommunications services.

5. The First Amendment will aid Crown Castle's provision of cellular telecommunications services to its intrastate subscribers, thereby enhancing the benefits of competition in the local telecommunications market.

⁵In Docket No. 01-0094, the commission approved an amendment to the license agreement between Verizon Hawaii and Verizon Media Ventures Inc., for the use of Verizon Hawaii's Puu Papaa Radio Station site on Oahu to install and maintain generator equipment and antennas. See Decision and Order No. 18971, filed on October 24, 2001.

⁶See Attachment I, at 2, paragraph 3, of Verizon Hawaii's Application; and HRS § 269-19.

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HRS § 269-19 provides that no public utility corporation shall sell, lease, assign, or otherwise dispose of or encumber the whole or any part of its road, line, plant, system, or other property necessary or useful in the performance of its duties to the public, without having first secured the commission's approval.

The commission: (1) finds that the First Amendment is reasonable and consistent with the public interest; and (2) will approve the First Amendment.

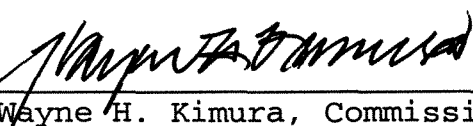
THE COMMISSION ORDERS:

1. The First Amendment to License Agreement, dated October 12, 2004, between Verizon Hawaii Inc. and Crown Castle GT Company LLC, to license ground space at the Hue Hue Radio Station in North Kona, Hawaii, is approved.
2. This docket is closed.


DONE at Honolulu, Hawaii APR 14 2005.

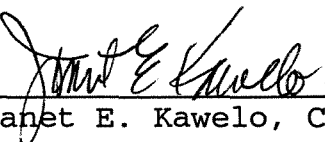
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
Wayne H. Kimura, Commissioner

APPROVED AS TO FORM:


Michael Azama
Commission Counsel

By 
Janet E. Kawelo, Commissioner

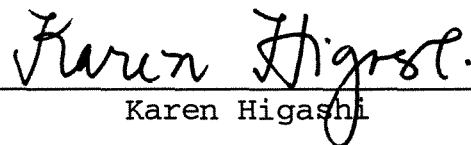
05-0061.cs

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 21748 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

JOEL K. MATSUNAGA
VICE PRESIDENT-EXTERNAL AFFAIRS
VERIZON HAWAII INC.
P. O. Box 2200, A-17
Honolulu, HI 96841



Karen Higashi

DATED: APR 14 2005