

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

-----In the Matter of the-----) Docket No. 7702
)
PUBLIC UTILITIES COMMISSION)
)
Instituting a Proceeding on Communications,)
Including an Investigation of the Communications)
Infrastructure of the State of Hawaii.)
_____)

STIPULATED ORDER NO. 21917

and

CERTIFICATE OF SERVICE

Filed July 15, 2005

At 8 o'clock A.m.

Harun Hignot.

Chief Clerk of the Commission

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

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STIPULATION ON ADDITIONAL TIME REQUIRED TO
COMPLY WITH FILING REQUIREMENTS OF ORDER NO. 21677

HAWAIIAN TELCOM, INC. (“Hawaiian Telcom”), fka Verizon Hawaii Inc. (“Verizon Hawaii”), the DIVISION OF CONSUMER ADVOCACY (“Consumer Advocate”), the UNITED STATES DEPARTMENT OF DEFENSE AND ALL OTHER FEDERAL EXECUTIVE AGENCIES (“DOD”), TIME WARNER TELECOM OF HAWAII L.P. DBA OCEANIC COMMUNICATIONS (“TWTC”) and PACIFIC LIGHTNET, INC (“PLNI”), by and through their respective attorneys or representatives, do hereby stipulate to the following provisions relating to the additional time required to comply with the filing requirements of Order No. 21677.

I. BACKGROUND.

By Order No. 21677, the Public Utilities Commission of the State of Hawaii (“Commission”) ordered Verizon Hawaii to initiate informal discussions with all parties¹ to this docket regarding the following three (3) discussion points (“Discussion Points”):

1. How do the FCC’s *Triennial Review Order and Remand Order*, and the matters of Docket No. 04-0140 affect the Open Issues² and existing filings?

¹ The parties included Verizon Hawaii, the Consumer Advocate, DOD, PLNI, AT&T Communications of Hawaii, Inc. (“AT&T”), and Sprint Communications Company, L.P. (“Sprint”). AT&T and Sprint have chosen to not actively participate in this most recent aspect of Docket No. 7702.

2. Do any of the Open Issues still need to be addressed and resolved by the Commission for the advancement of competition in the State's telecommunications market, at this time?
3. If any of the Open Issues are believed to be still pertinent for the advancement of competition in the State's telecommunications market and should be addressed and resolved at this time, given the present conditions, as described above, what are the appropriate procedures to update the filed information for the Commission's consideration and resolution of the issues?

The Commission requested that the parties (a) informally discuss the above three Discussion Points and file a stipulation memorializing any agreements, if any, reached during the discussions regarding each point or (b) file separate position statements on each of the parties' respective views on such points.

Because of the pending transfer of control of Verizon Hawaii to Hawaiian Telcom³, and to allow Hawaiian Telcom the time to review the Open Issues and to formulate its own position, by letter dated April 7, 2005, Verizon Hawaii filed a letter on behalf of the parties requesting that the Commission extend the period for which the parties are required to comply with Order No. 21677 until July 8, 2005. The parties proposed that on July 8, 2005, the parties would inform the Commission how much additional time they would need to comply with the filing requirements of Order No. 21677. By Order No. 21766 dated April 22, 2005, the Commission approved the parties' request and required that the parties submit their filing in the form of a proposed stipulated order for the Commission's review and approval.

² The "Open Issues" concern: (a) the establishment of rates for DC and backup DC power for adjacent on-site collocation; (b) the wholesale non-recurring cost ("NRC") study and proposed rates filed by Verizon Hawaii; and (c) Verizon Hawaii's proposal to recover its Operations Support System ("OSS") transition, OSS transaction, and National Market Center ("NMC") shared and fixed costs.

³ The transfer of control of Verizon Hawaii to Hawaiian Telcom occurred on May 2, 2005.

II. DISCUSSION.

Hawaiian Telcom has initiated informal discussions with the various parties to explore their respective positions with respect to the three Open Issues and the three Discussion Points listed in Section I above. In addition to reviewing the procedural questions that the Commission posed, the parties are exploring whether they are able to reach agreement on the substance of the Open Issues. To that end, Hawaiian Telcom has informally discussed its proposal with the parties to substantively address the Open Issues. However, the parties need time to review and consider that proposal, which is still in the early stages of development. The parties believe that to the extent that they are able to reach agreement on one or more of the Open Issues, the procedural questions will be moot and that, therefore, their efforts to review a substantive solution is in the public interest, even though not expressly ordered by the Commission. In recognition that (a) the parties have regulatory, business, and other obligations or commitments, (b) key personnel required to properly review and analyze the Open Issues or the three Discussion Points will be unavailable for certain periods of time, or (c) the parties need sufficient time to more fully review and research the FCC's *Triennial Review Order and Remand Order* and other related regulatory decisions, the parties propose the following in an effort to comply with the filing requirements of Order No. 21677:

A. Stipulations. On or before September 2, 2005, the parties will file any stipulation or agreements reached with regard to the resolution of any of the Open Issues and/or Discussion Points. Based upon preliminary discussions among the parties, the parties believe they may be able to reach agreement on at least one of the Open Issues/Discussion Points. Nothing herein shall prevent the parties from subsequently entering into a stipulation or agreement with regard to any portion of the Open Issues and/or Discussion Points.

B. Stipulated Procedural Order. If the parties are unable to reach agreement on all of the Open Issues/ Discussion Points on or before September 2, 2005, the parties will file on or before September 2, 2005, a stipulated procedural order detailing the procedure and schedule the parties will follow with respect to the filing of their respective position statements on the Open Issues/Discussion Points. If the parties are unable to agree on a procedural order, each will file its own proposed order and explain its proposal. While the parties do not presently contemplate the need to (a) seek Information Requests; (b) conduct other discovery; or (c) hold any hearings on the matter, the parties cannot make a final determination on the necessity of the foregoing, and therefore reserve their respective rights, until further discussions take place.

C. * Modifications to Procedural Order. Notwithstanding the Commission's adoption of a stipulated procedural order, the parties agree that, to the extent the schedule or procedures may need to be adjusted in the future, the parties will have the ability to seek Commission authorization to modify said schedule or procedures.

D. Continued Informal Discussions. In an effort to better understand each of the parties' respective positions on the Open Issues/Discussion Points, the parties will hold regular and possibly weekly informal discussions with the goal of reaching agreement on the substance of one or more of the Open Issues. Nothing prevents the parties from discussing the matters individually with each other.

E. Counterparts. This Stipulated Order may be executed by the parties in counterparts, each of which shall be deemed an original, and all of which taken together shall constitute one and the same instrument. The parties may execute this Stipulated Order by

facsimile for initial submission to the Commission to be followed by the filing of originals of said facsimile pages.

DATED: Honolulu, Hawaii, this 8th day of July, 2005.



LESLIE ALAN UEOKA

Attorney for Hawaiian Telcom, Inc.

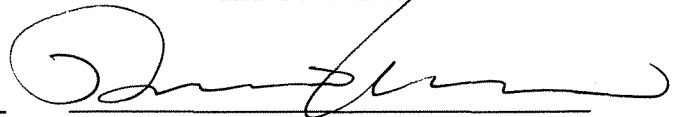


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Commerce and Consumer Affairs

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Attorneys for Pacific LightNet, Inc.

facsimile for initial submission to the Commission to be followed by the filing of originals of said facsimile pages.

DATED: Honolulu, Hawaii, this 8th day of July, 2005.

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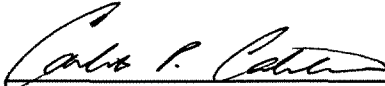
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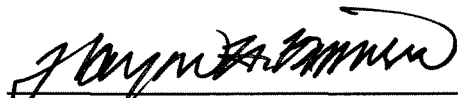
LAURA A. MAYHOOK
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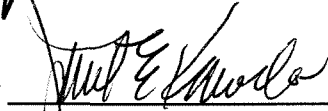
Attorneys for Pacific LightNet, Inc.

APPROVED AND SO ORDERED AT HONOLULU, HAWAII THIS 15th DAY OF
July, 2005.

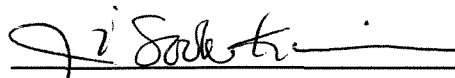
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
Wayne H. Kimura, Commissioner

By 
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:


Ji Sook Kim
Commission Counsel

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Stipulated Order
No. 21917 upon the following Parties by causing a copy hereof to be mailed,
postage prepaid, and properly addressed to each such party.

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Dated: JUL 15 2005

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Chief Clerk