

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)
HAWAIIAN TELCOM, INC.)
For Approval of Changes to its)
Tariff. Transmittal No. 05-23.)
_____)

DOCKET NO. 05-0198

DECISION AND ORDER NO. 21989

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

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Filed August 11, 2005
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Karen Higashi
Chief Clerk of the Commission

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

K. Higashi

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)	
HAWAIIAN TELCOM, INC.)	Docket No. 05-0198
))	
For Approval of Changes to its)	Decision and Order No. 21989
Tariff. Transmittal No. 05-23.)	
_____)	

DECISION AND ORDER

By this Decision and Order, the commission allows the tariff changes proposed by HAWAIIAN TELCOM, INC. ("Hawaiian Telcom") as set forth in Transmittal No. 05-23, filed on July 13, 2005 ("Transmittal"), to take effect, effective from August 12, 2005; under the conditions set forth below.

I.

Background

The commission conditionally approved the merger transaction and other related matters between the applicants of Docket No. 04-0140¹ in Decision and Order No. 21696, filed on March 16, 2005.²

¹The applicants of Docket No. 04-0140 were Paradise MergerSub, Inc., now known as Hawaiian Telcom Communications, Inc.; GTE Corporation; Verizon Hawaii Inc. ("Verizon Hawaii"), now known as Hawaiian Telcom; Bell Atlantic Communications, Inc., dba Verizon Long Distance; and Verizon Select Services (collectively, "Applicants").

²Aside from Applicants, the "Parties and Participants" in Docket No. 04-0140 were: (1) the Division of Consumer Advocacy, Department of Commerce and Consumer Affairs; (2) the United States Department of Defense and all other

In a letter filed on April 29, 2005, in Docket No. 04-0140, Hawaiian Telcom confirmed that all nineteen (19) of Verizon Hawaii's tariffs, P.U.C. Tariff Nos. 1-19 ("Tariffs"), would continue in effect upon the closing of the merger transaction. At the same time, for clarification purposes, Hawaiian Telcom transmitted new tariff coversheets indicating that upon the closing of the merger transaction all references to "Verizon Hawaii Inc.", "GTE Hawaiian Telephone Company Incorporated", "Hawaiian Telephone Company", and "Hawaiian Tel" would refer to and mean Hawaiian Telcom.³ Through Order No. 21860, filed on June 7, 2005, in Docket No. 04-0140, the commission, among other things, allowed Hawaiian Telcom's tariff coversheets, filed on April 29, 2005, to take effect on short notice, as of May 2, 2005.

Subsequently, on July 13, 2005, Hawaiian Telcom filed the Transmittal to change the entity's name to Hawaiian Telcom and incorporate typographical corrections. Hawaiian Telcom filed the Transmittal pursuant to Hawaii Revised Statutes ("HRS") § 269-16, as amended, and Hawaii Administrative Rules ("HAR") § 6-61-111. Hawaiian Telcom proposes an effective date of August 12, 2005.

Federal Executive Agencies; (3) Pacific Lightnet, Inc.; (4) Time Warner Telecom of Hawaii, L.P., dba Oceanic Communications; (5) Jeremiah C. Genovia; (6) Charles K. Hekekia, Jr.; and (7) the International Brotherhood of Electrical Workers, Local 1357.

³In Docket No. 04-0140, by letter dated and filed on May 2, 2005, the commission was informed that the merger transaction between the Applicants closed on May 2, 2005, and that the tariff coversheets of Hawaiian Telcom, submitted on April 29, 2005, would take effect as of May 2, 2005.

Hawaiian Telcom served the DIVISION OF CONSUMER ADVOCACY, DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS ("Consumer Advocate") with a copy of the Transmittal. The Consumer Advocate did not file a statement of position on this matter.

II.

Transmittal

Through the Transmittal, Hawaiian Telcom seeks to systematically change throughout its Tariffs all references under which it provided services prior to the close of the merger transaction from its predecessor entity to Hawaiian Telcom. Moreover, it seeks to incorporate typographical corrections made to the Tariffs. To ease review of the proposed changes, Hawaiian Telcom marked: (1) name changes with a "C"; and (2) typographical corrections with a "T". Hawaiian Telcom represents that its proposed tariff revisions do not include any changes to its rates or regulations for service.

III.

Discussion

Under HAR § 6-61-111, thirty (30) days notice must be provided before any changes or additions to a public utility's tariff (aside from those that result in an increase in rates, fares, or charges) become or can be effective. See also HRS §§ 269-12(b) and 269-16(a) and (b). This thirty (30)- day timetable begins upon the utility's filing of the transmittal and

proposed tariff changes with the commission. Under HAR § 6-61-61, any person may file a protest or opposition to the proposed tariff changes filed under HAR § 6-61-111 through written notification to the commission and serving its protest upon the utility or its agent within fifteen (15) days of the effective date of the proposed tariff changes.

Upon review, Hawaiian Telcom's request to systematically amend its Tariffs to reflect its new name upon close of the merger transaction and incorporate typographical corrections it detected appears to be reasonable. We note that no protest or opposition to Hawaiian Telcom's Transmittal was filed within the time permitted under HAR § 6-61-61.⁴ However, we make clear that our determination with regards to this matter is based on Hawaiian Telcom's representation that the tariff revisions being proposed in the Transmittal do not change or affect its current commission-approved rates, charges, and regulations.

Accordingly, the commission will allow the Transmittal to take effect on August 12, 2005, under HAR § 6-61-111 and HRS § 269-16(b); provided that if there are any changes incorporated in the Tariffs that are not expressly and specifically referenced and approved in this Decision and Order, such changes are null, void, and of no force and effect. Moreover, during our review of the Tariffs the commission discovered certain additional

⁴The deadline to file a protest objecting to Hawaiian Telcom's proposed tariff changes was July 28, 2005.

non-substantive changes that Hawaiian Telcom should incorporate. Accordingly, we will require Hawaiian Telcom to re-review and incorporate, as necessary, the following typographical corrections into its Tariffs:

1. **Tariff No. 1; Section 2; 9th Revised Sheet 6** -- Amend to identify the spelling correction of the word "connections" with a "T" marking.
2. **Tariff No. 2; Section 2; 5th Revised Sheet 13** -- Amend to read: "(This sheet replaced by Sheet 12B.)" as opposed to "replaces".
3. **Tariff No. 2; Section 2; 3rd Revised Sheet 13A** -- Amend to read: "(This sheet replaced by Sheet 12E.)" as opposed to "replaces".
4. **Tariff No. 2; Section 2; 2nd Revised Sheet 13B** -- Amend to read: "(This sheet replaced by Sheet 12C.)" as opposed to "replaces".
5. **Tariff No. 3; Section 20; Sheet 16** -- Reference to "Sheet 173" on the bottom of the page should be changed to "Sheet 17B".
6. **Tariff No. 3; Section 23; 3rd Revised Sheet 13** -- Amend by removing the right border line.
7. **Tariff No. 3; Section 38; 2nd Revised Sheet 3, 2nd Revised Sheet 4, 2nd Revised Sheet 7, 2nd Revised Sheet 12, 2nd Revised Sheet 16, and 3rd Revised Sheet 17** -- Amend to designate the effective date for which Custom Routing Service Option for Flexible Call Forwarding was grandfathered.

8. **Tariff No. 4; Section 1; 2nd Revised Sheet 7** -- (a) Amend all references from "Hawaiian Tel" to "Hawaiian Telcom", the "Telephone Company" or any other correct designation, see sections A.4.c., A.4.d., and E.1.b.; and (b) the designation of section III.E. "Use" should be amended to "III.B."
9. **Tariff No. 4; Section 2; 1st Revised Sheet 1** -- Amend the reference "Hawaiian Telcoms, Inc." to read "Hawaiian Telcom, Inc."
10. **Tariff No. 5; Section 1; Sheet 3Z** -- Amend by removing the right border line.
11. **Tariff No. 5; Section 1; 2nd Revised Sheet 24** -- Amend by removing the "T" marking which appears to inadvertently reflect a change from the 1st Revised Sheet.
12. **Supplement No. 2; Tariff No. 10; 1st Revised Sheet 1** -- Amend to reflect the original effective date of "August 28, 1985" as opposed to **September** 28, 1985 as designated.

IV.

Orders

THE COMMISSION ORDERS:

1. Transmittal No. 05-23, filed on July 13, 2005, regarding Hawaiian Telcom's proposed tariff changes as set forth in Exhibit 1 of the Transmittal, shall be allowed to take effect, effective from August 12, 2005; provided that any changes incorporated in the revised Tariffs that are not expressly and

specifically referenced and approved in this Decision and Order, are null, void, and of no force and effect.

2. Hawaiian Telcom shall re-review and incorporate, into the revised Tariffs, as necessary, the typographical corrections noted in Section III, above.

3. Hawaiian Telcom shall promptly file its revised Tariffs, under the conditions and requirements set forth in this Decision and Order, with appropriate issued and effective dates. Hawaiian Telcom's submission must comply with all applicable filing requirements of HAR Chapters 6-61 and 6-80.

DONE at Honolulu, Hawaii August 11, 2005.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By Carlito P. Caliboso
Carlito P. Caliboso, Chairman

By (Excused)
Wayne H. Kimura, Commissioner

By Janet E. Kawelo
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

Ji Sook Kim
Ji Sook Kim
Commission Counsel
05-0198.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 21989 upon the following Petitioners, 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
HAWAIIAN TELCOM, INC.
P. O. Box 2200
Honolulu, HI 96841



Karen Higashi

DATED: August 11, 2005