

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Request of)
ICG TELECOM GROUP, INC.)
To Voluntarily Surrender its)
Certificate of Authority.)

DOCKET NO. 98-0213

ORDER NO. 22171

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

Filed Dec. 8, 2005
At 11:15 o'clock A .M.

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 Request of)
ICG TELECOM GROUP, INC.)
To Voluntarily Surrender its)
Certificate of Authority.)

Docket No. 98-0213
Order No. 22171

ORDER

By this Order, the commission approves the voluntary surrender of ICG TELECOM GROUP, INC.'s ("Petitioner") certificate of authority ("COA").

Petitioner holds a COA to operate as a reseller and facilities-based provider of intrastate telecommunications services.¹

Petitioner requests the commission's approval to voluntarily surrender its COA, by letter dated July 18, 2005, filed on July 25, 2005. Petitioner served a copy of its request upon the Department of Commerce and Consumer Affairs, Division of Consumer Advocacy.

Petitioner represents that "it does not have any operations or customers in Hawaii currently and does not plan on having any in the future."² On November 22, 2005, Petitioner

¹See Decision and Order No. 16594, filed on October 6, 1998.

²Petitioner's letter, dated July 18, 2005.

confirmed with the commission its compliance of the requirements to voluntarily surrender its COA.³

Hawaii Administrative Rules ("HAR") § 6-80-123, governing the discontinuance of a fully or partially competitive telecommunications service, states in part:

Abandonment or discontinuance of fully or partially competitive service.

(a) A telecommunications carrier intending or seeking to abandon or discontinue offering or providing a fully or partially competitive service shall, not later than thirty days before the proposed date of abandonment or discontinuance, provide a written notice of its intent to the commission, the consumer advocate, and its affected customers. . . .

(b) The commission may:

- (1) Allow the proposed abandonment or discontinuance of service to take effect on such reasonable terms and conditions that it deems are in the public interest[.]

The commission: (1) approves the voluntary surrender of Petitioner's COA, pursuant to HAR § 6-80-123(b)(1); and (2) waives the customer notification requirement set forth in HAR § 6-80-123(a), as Petitioner represents that it presently does not have any operations or customers in Hawaii and does not plan on having any in the future.⁴

³Specifically, Petitioner's filing of its 2005 Annual Financial Report and the payment of the applicable public utility fees.

⁴Petitioner also holds a COA to operate as a reseller of intrastate telecommunications services. See Decision and Order No. 16388, filed on June 22, 1998, in Docket No. 98-0159, In re ICG Telecom Group, Inc. By separate Order in Docket No. 98-0159, the commission will likewise approve the voluntary surrender of Petitioner's COA.

THE COMMISSION ORDERS:

1. Petitioner's request to surrender its COA to operate as a reseller and facilities-based provider of intrastate telecommunications services is approved, effective from the date of this Order.

2. The customer notification requirement set forth in HAR § 6-80-123(a) is waived.

3. This docket is closed, unless ordered otherwise by the commission.

DONE at Honolulu, Hawaii DEC - 8 2005.


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:


Michael Azama
Commission Counsel

98-0213.sl

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 22171 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

TIM GENTRY
DIRECTOR, TAXATION
ICG COMMUNICATIONS, INC.
161 Inverness Drive West
Englewood, CO 80112



Karen Higashi

DATED: DEC - 8 2005