May 12, 2006

To All Telecommunications Carriers:

Please find enclosed Order No. 22464, filed on May 12, 2006, in Docket No. 2006-0126, Instituting an Investigation into the Carrier Contribution Factor and Telecommunications Relay Services Fund Size for the Period of July 1, 2006 through June 30, 2007 ("Order"). By this Order, the Hawaii Public Utilities Commission provides notice to all telecommunications carriers under its jurisdiction that it intends to continue the carrier contribution factor for contributions into the intrastate Telecommunications Relay Services Fund of 0.0010 effective July 1, 2006, and it welcomes written comments on its proposal as described in the Order until June 2, 2006. Please see the enclosed Order for more details.

Should you have any questions, please contact Kaiulani Kidani, commission counsel, at (808) 586-2020.

Sincerely,

Carlito P. Caliboso
Chairman

CPC:KEK:eh

Enclosure
BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of -----

PUBLIC UTILITIES COMMISSION

DOCKET NO. 2006-0126

Instituting an Investigation
into the Carrier Contribution
Factor and Telecommunications
Relay Services Fund Size for
the period of July 1, 2006
through June 30, 2007.

ORDER NO. 22464

Filed May 12, 2006
At 9:15 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.
BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of -----

PUBLIC UTILITIES COMMISSION

Instituting an Investigation
into the Carrier Contribution
Factor and Telecommunications
Relay Services Fund Size for
the period of July 1, 2006
through June 30, 2007.

Docket No. 2006-0126
Order No. 22464

ORDER

By this Order, the commission initiates an investigation to examine whether to modify the current Telecommunications Relay Services ("TRS") carrier contribution factor and fund size for the period July 1, 2006 to June 30, 2007 (the "Period"). The TRS carrier contribution factor and fund size were initially established in accordance with Order No. 20193, filed on May 23, 2003, in Docket No. 03-0058 ("Order No. 20193"), and updated by Order No. 21049, filed on June 10, 2004, in Docket No. 04-0070, and by Order No. 21847, filed on May 31, 2005, in Docket No. 05-0088.

1In Docket No. 03-0058, the commission selected Sprint Communications Company, L.P. ("Sprint") as the exclusive provider of intrastate TRS within the State of Hawaii ("State") from July 1, 2003 to June 30, 2006. See Decision and Order No. 20163, filed on April 30, 2003, in Docket No. 03-0058; Order No. 20193. By Order No. 22438, filed on May 1, 2006, in Docket No. 03-0058, the commission extended Sprint's provision of TRS for an additional two years (from July 1, 2006 to June 30, 2008), and approved a price increase for Sprint's services under the extended period.
The commission proposes to continue the existing carrier contribution factor of 0.0010, established by Order No. 21049, filed on June 10, 2004, in Docket No. 04-0070. In addition, the commission proposes a fund size of approximately $591,605, which represents an approximate five-month operating reserve for the fund. Written comments concerning these proposals will be accepted until June 2, 2006.

I.

INVESTIGATION

Order No. 20193, among other things, required every telecommunications carrier providing intrastate telecommunications service in Hawaii to contribute to the TRS fund on the basis of gross operating revenue from the retail provision of intrastate telecommunications services during the preceding calendar year.2 A carrier’s contribution to the TRS fund is a product of its gross operating revenues from the retail provision of intrastate telecommunications services during the preceding calendar year and a contribution factor determined annually by the commission, consistent with the terms of Order No. 20193.

Accordingly, consistent with the terms of Order No. 20193, and pursuant to Hawaii Administrative Rules

2The commission explicitly excluded payphone providers from contributing to the TRS fund.
("HAR") § 6-61-71,³ the commission will institute an investigation of the annual TRS contribution factor and fund size for the Period. For the same reasons stated in Order No. 20067, filed on March 7, 2003, in Docket No. 03-0058, the commission concludes that the Division of Consumer Advocacy, Department of Commerce and Consumer Affairs ("Consumer Advocate") and Sprint should be made parties to this proceeding.

II.

PROPOSALS

A.

Proposed Carrier Contribution Factor

Pursuant to Decision and Order No. 20163, filed on April 30, 2003, in Docket No. 03-0058, and Order No. 22438, filed on May 1, 2006, in Docket No. 03-0058, Sprint will provide statewide TRS at a flat rate of $1.90 per session minute, with a monthly recurring charge of $34,000, for the two-year period commencing July 1, 2006 and ending on June 30, 2008. Sprint is projecting a monthly average of 42,076 intrastate, speech-to-speech, and CapTel Relay Service ("CapTel")¹ minutes for the Period, resulting in $1,367,333⁵ in disbursements to Sprint.

³HAR § 6-61-71 allows the commission to investigate any matters subject to its jurisdiction.

¹CapTel is a form of TRS that utilizes specialized equipment and voice-to-text technology to provide relay services.

⁵This total includes the monthly recurring charge of $34,000.
To calculate the proposed contribution factor, the estimated payments to Sprint of $1,367,333 were reduced by $700,333, which is part of the surplus from the TRS fund balance, resulting in an additional fund requirement of $667,000. The additional fund requirement was divided by the total projected 2005 gross intrastate retail revenues of $667,000,000 to arrive at a contribution factor of 0.0010.

Based on the above, the commission proposes to continue the existing carrier contribution factor, established by Order No. 21049, filed on June 10, 2004, in Docket No. 04-0070, and by Order No. 21847, filed on May 31, 2005, in Docket No. 05-0088.

B.

Proposed TRS Fund Size

The commission proposes keeping in reserve approximately $591,605, representing an approximate five-month operating reserve in the fund. The TRS fund is the sole source of funding for this service. Thus, the commission must be able to address any unexpected growth in TRS usage, delinquencies and/or bankruptcies of any telecommunications carrier and any other unexpected event that may occur. In addition, CapTel has experienced steady growth since it was first offered as a part of Sprint’s TRS, and it may continue to do so during the Period.

The projected total TRS fund balance, as of June 30, 2006, is $1,291,937.
C.

**Proposed Minimum Payment and Payment Plans**

The proposed minimum payment would continue at $10.00. Carriers reporting $10,000 or less in gross intrastate retail revenues will pay $10.00. Carriers reporting $1,200,000 or more in gross intrastate retail revenues will be allowed to make twelve (12) equal monthly payments. Carriers reporting less than $1,200,000 in gross intrastate retail revenues will make one annual payment by July 26, 2006.

III.

**ORDERS**

THE COMMISSION ORDERS:

1. A proceeding is instituted to investigate the TRS carrier contribution factor and fund size for the Period (July 1, 2006 through June 30, 2007). The Consumer Advocate and Sprint shall be parties to this proceeding.

2. Written comments to the proposals described in this order will be accepted until June 2, 2006.
DONE at Honolulu, Hawaii  MAY 1 2 2006

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:

Kaiulani E.S. Kidani
Commission Counsel

TRIS SURCHARGE
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 22464 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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