

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Request of )  
PONO ENTERPRISES )  
To Voluntarily Surrender its )  
Certificate of Registration. )  
\_\_\_\_\_ )

DOCKET NO. 04-0164

ORDER NO. 22552

Filed June 22, 2006  
At 1 o'clock P.M.

Karen Higashi  
Chief Clerk of the Commission

RECEIVED

2006 JUN 23 A 9:26

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

ATTEST: A True Copy

KAREN HIGASHI

for  
Chief Clerk, Public Utilities  
Commission, State of Hawaii.

Gleason R. Tuissocopi

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Request of )  
PONO ENTERPRISES ) Docket No. 04-0164  
To Voluntarily Surrender its ) Order No. 22552  
Certificate of Registration. )  
\_\_\_\_\_ )

ORDER

By this Order, the commission approves the voluntary surrender of PONO ENTERPRISES' ("Petitioner") certificate of registration ("COR").

Petitioner holds a COR to operate as a pay telephone service provider within the State of Hawaii (the "State").<sup>1</sup> Petitioner requests the commission's approval to voluntarily surrender its COR, by letter filed on January 30, 2006. Petitioner represents that: (1) despite its efforts (as described in its letter), "the business opportunity fell through" and it was unable to place pay telephones in public venues; and (2) because it has never operated pay telephones, it has no revenues, only losses.

Hawaii Administrative Rules ("HAR") § 6-80-123(c) provides in pertinent part that for any telecommunications carrier whose entry into the intrastate telecommunications market

---

<sup>1</sup>See Decision and Order No. 21348, filed on September 14, 2004.

is preempted by federal law,<sup>2</sup> said carrier "shall, not later than thirty days before the proposed effective date of any contemplated abandonment or discontinuance of service, provide a written notice of their intent to abandon or discontinue service to the commission, the consumer advocate, and affected customers."

On January 30, 2006, Petitioner provided notice to the commission of its intent to surrender its COR. On February 3, 2006, a copy of Petitioner's notice was transmitted to the Department of Commerce and Consumer Affairs, Division of Consumer Advocacy.<sup>3</sup> With respect to notifying its affected customers, Petitioner has no customers *per se* to notify of its intent to discontinue the provision of pay telephone service.

Given its non-provision of pay telephone service in the State, the commission, in lieu of revocation, approves the voluntary surrender of Petitioner's COR, pursuant to HAR § 6-80-123(c).<sup>4</sup>

---

<sup>2</sup>See also HAR §§ 6-80-2(b)(2), 6-80-17(d), and 6-80-18(b).

<sup>3</sup>See commission's letter, dated February 3, 2006.

<sup>4</sup>The commission notified Petitioner of its need to pay the applicable public utility fees based on its 2004 - 2006 revenues. See commission's letter, dated February 22, 2006, and Final Notice, dated April 27, 2006. In the future event Petitioner, its parent, affiliate, subsidiary, or other related entity re-applies for a COR (or applies for a certificate of authority), it will be required to pay the outstanding public utility fee owed (based on Petitioner's 2004 - 2006 revenues).


THE COMMISSION ORDERS:

1. Petitioner's request to surrender its COR to operate as a pay telephone service provider in the State is approved, effective from the date of this Order.


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

DONE at Honolulu, Hawaii JUN 22 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:

  
Michael Azama  
Commission Counsel

04-0164.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 22552 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

JOHN E. COLE  
EXECUTIVE DIRECTOR  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
DIVISION OF CONSUMER ADVOCACY  
P. O. Box 541  
Honolulu, HI 96809

LAURA LAHIAPO  
PONO ENTERPRISES  
P. O. Box 322  
Waimanalo, HI 96795

  
\_\_\_\_\_  
Karen Higashi

DATED: JUN 22 2006