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

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

[Signature]
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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

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").¹ 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

¹See Decision and Order No. 21348, filed on September 14, 2004.
is preempted by federal law,² 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.³ 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).⁴

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


¹The 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
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

DATED: JUN 22 2006