

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Request of)
EXCEL TELECOMMUNICATIONS, INC.)
To Voluntarily Surrender its)
Amended Certificate of Authority.)

DOCKET NO. 02-0026

ORDER NO. 22586

Filed June 30, 2006
At 11 o'clock A.M.

Karen Higashi
Chief Clerk of the Commission

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DIV. OF CONSUMER ADVOCACY
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STATE OF HAWAII

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Request of)
EXCEL TELECOMMUNICATIONS, INC.) Docket No. 02-0026
To Voluntarily Surrender its) Order No. 22586
Amended Certificate of Authority.)

ORDER

By this Order, the commission approves the voluntary surrender of EXCEL TELECOMMUNICATIONS, INC.'s ("Excel") amended certificate of authority ("COA") to operate as a reseller and facilities-based carrier of intrastate telecommunications services.

Excel is the holder of an amended COA to operate as a reseller and facilities-based carrier of intrastate telecommunications services.¹

On May 15, 2006, the commission, in Docket No. 05-0298: (1) waived certain statutory and procedural requirements, to the extent applicable, in approving Comtel Telcom Assets LP's ("Comtel") acquisition of substantially all the assets of VarTec Telecom, Inc. ("VarTec") and Excel Telecommunications,

¹See In re Excel Commc'n., Inc., Docket No. 97-0098, Amended Decision and Order No. 15551, filed on June 27, 1997 (COA, reseller); and In re Excel Telecomm, Inc., Docket No. 02-0026, Decision and Order No. 19311, filed on April 19, 2002 (amended COA, reseller and facilities-based carrier).

Inc.;² (2) granted Comtel a COA to operate as a facilities-based provider and reseller of intrastate telecommunications services; and (3) instructed Comtel to file the annual financial reports for VarTec and Excel for the years 2005 and 2006 and pay the public utility fees for VarTec and Excel for the years 2005 and 2006, in order to facilitate the surrender of the COAs for the VarTec Companies.³ On June 8, 2006, Excel fully complied with the requirements set forth in Decision and Order No. 22465 governing the surrender of its amended COA. Thereafter, by letter dated June 14, 2006, Excel formally requested to surrender its amended COA.⁴

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

²VarTec and Excel are collectively referred to as the "VarTec Companies."

³See In re Comtel Telcom Assets LP, Docket No. 05-0298, Decision and Order No. 22465, filed on May 15, 2006. The Department of Commerce and Consumer Affairs, Division of Consumer Advocacy ("Consumer Advocate"), was a party to Docket No. 05-0298.

By Decision and Order No. 22465, the commission also required the VarTec Companies to notify their respective customers of their intent to discontinue telecommunications services, and the change in service provider to Comtel, in order to provide customers with the opportunity to select a new service provider at their option.

⁴Excel also represented that at the time its assets were transferred to Comtel on June 7, 2006, it had no Hawaii local exchange customers to transfer to Comtel. See Excel's letter, dated June 14, 2006, at 1.

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 finds that, under the circumstances, Excel has complied with the notice of discontinuance of service requirements set forth in HAR § 6-80-123(a), to the extent applicable herein.⁵ Accordingly, the commission approves the voluntary surrender of Excel's amended COA, pursuant to HAR § 6-80-123(b)(1).

THE COMMISSION ORDERS:

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

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

⁵See footnotes 3 and 4, above.

DONE at Honolulu, Hawaii JUN 30 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

02-0026.ah

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 22586 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

JOHN E. COLE
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SENIOR DIRECTOR - REGULATORY AFFAIRS
COMTEL TELCOM ASSETS LP,
dba EXCEL TELECOMMUNICATIONS, INC.
2440 Marsh Lane
Carrollton, TX 75006



Karen Higashi

DATED: JUN 30 2006