BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of
YESTEL USA, INC.
For A Certificate of Authority to
Operate as a Reseller of Competitive
Intrastate Interexchange Services
Within the State of Hawaii

DOCKET NO. 2006-0325

ORDER NO. 23220

Filed Jan. 26, 2007
At 11 o'clock A. M.

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 the Application of

YESTEL USA, INC.

For A Certificate of Authority to
Operate as a Reseller of Competitive
Intrastate Interexchange Services
Within the State of Hawaii

Docket No. 2006-0325
Order No. 23220

ORDER

By this Order, the commission dismisses, without prejudice, the application filed by YESTEL USA, INC. ("Applicant") on August 4, 2006, which requests a certificate of authority ("COA") to operate as a reseller of competitive intrastate interexchange services in the State of Hawaii ("Application"). The commission dismisses the Application because Applicant has not submitted updated financial information to support its Application, as required under Hawaii Administrative Rules ("HAR") § 6-80-17(c)(1)(E).

I.

Dismissal

On August 4, 2006, Applicant filed its Application requesting approval for a COA. Applicant included in its Application a balance sheet and income statement dated February 3, 2006, which were over three months old from the date of the Application.
HAR § 6-80-17(c)(1)(E) requires an applicant for a COA to include with its application "a copy of the most recent audited financial statement and, if more than three months have elapsed since the date of the most recent audited financial statement, a current, unaudited financial statement[.]

By letter dated September 19, 2006, the commission informed Applicant that it was unable to process the Application until Applicant sufficiently satisfies the application requirements of HAR Chapter 6-80. The commission specifically requested that Applicant submit its most recent financial statements (i.e., not older than three months from the August 4, 2006 filing date of the Application) within thirty days from the date of the letter, or by October 19, 2006. Applicant failed to comply with the commission's request.

By letter dated December 5, 2006, the commission again requested Applicant to submit its most recent financial statements. The commission advised Applicant that, if the commission did not receive the requested information by January 2, 2007, the commission would dismiss the Application.

To this date, the commission has not received updated financial information from Applicant, in compliance with HAR § 6-80-17(c)(1)(E). Accordingly, upon review of the entire record herein, the commission dismisses the Application, without prejudice.
II.

Order

THE COMMISSION ORDERS:

The Application is dismissed, without prejudice,† for failure by Applicant to comply with HAR § 6-80-17(c)(1)(E).

DONE at Honolulu, Hawaii JAN 26 2007.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By

Carlito P. Caliboso, Chairman

John E. Cole, Commissioner

APPROVED AS TO FORM:

Kaiulani Kidani Shinsato
Commission Counsel

†The commission may consider a re-filed application for a COA by Applicant, if Applicant includes financial information that complies with HAR § 6-80-17(c)(1)(E) in its re-filing.
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 23220 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

CATHERINE P. AWAKUNI
EXECUTIVE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
P.O. Box 541
Honolulu, HI 96809

MONICA BORNE HAAB
NOWALSKY, BRONSTON & GOTHARD, APLLC
3500 N. Causeway Blvd.
Suite 1442
Metairie, LA 70002

DATED: JAN 26 2007

Karen Hiashi