

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
)
SOUTHWESTERN BELL COMMUNICATIONS)
SERVICES INC., dba SBC LONG)
DISTANCE, nka SBC LONG DISTANCE,)
LLC, dba SBC LONG DISTANCE and)
AT&T LONG DISTANCE)
)
To Voluntarily Surrender its)
Authority to Operate as a)
Facilities-Based Carrier.)
_____)

DOCKET NO. 2007-0135

ORDER NO. 23475

Filed June 4, 2007
At 10 o'clock A.M.

Karen Higashi
Chief Clerk of the Commission

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

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

Karen Higashi

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Facilities-Based Carrier.)
_____)

Docket No. 2007-0135

Order No. 23475

ORDER

By this Order, the commission approves the requests of SBC LONG DISTANCE, LLC, dba SBC LONG DISTANCE and AT&T LONG DISTANCE, formerly known as SOUTHWESTERN BELL COMMUNICATIONS SERVICES, INC., dba SBC LONG DISTANCE, to: (1) surrender its authority to operate as a facilities-based carrier in the State of Hawaii ("State"); and (2) withdraw its tariff for facilities-based telecommunications services.

I.

A.

Background

On July 28, 1997, the commission issued a certificate of authority ("COA") to SBC Long Distance to operate as a

reseller of intrastate telecommunications services.¹ On April 8, 2004, the commission issued an amended COA to SBC Long Distance to operate as a facilities-based carrier and reseller of intrastate telecommunications services.² On March 22, 2005, the commission approved the corporate reorganization and transfer of SBC Long Distance's amended COA to SBC Long Distance, LLC.³

B.

SBC Long Distance, LLC's Request

By letter dated April 23, 2007, filed on April 26, 2007, SBC Long Distance, LLC, requests the commission's approval to: (1) surrender its authority to operate as a facilities-based carrier in the State; and (2) withdraw its tariff for facilities-based telecommunications services.⁴ SBC Long Distance, LLC, states that: (1) its decision to surrender its facilities-based operating authority is due to business reasons; (2) it has not provided facilities-based telecommunications services to any customers in the State; and (3) there are no Hawaii-based

¹In re Southwestern Bell Comm. Serv., Inc., dba Southwestern Bell Long Distance, Docket No. 97-0212, Decision and Order No. 15728, filed on July 28, 2007.

²In re Southwestern Bell Comm. Serv., Inc., dba SBC Long Distance, Docket No. 03-0416, Decision and Order No. 20894, filed on April 8, 2004.

³In re SBC Long Distance, Inc., Docket No. 04-0339, Decision and Order No. 21702, filed on March 22, 2005. In December 2005, SBC Long Distance, LLC, added the dba AT&T Long Distance.

⁴SBC Long Distance, LLC, served a copy of its letter upon the Department of Commerce and Consumer Affairs, Division of Consumer Advocacy ("Consumer Advocate"), an ex officio party to this proceeding, pursuant to Hawaii Revised Statutes ("HRS") § 269-51 and Hawaii Administrative Rules ("HAR") § 6-61-62(a).

customers that will be affected by its request. SBC Long Distance, LLC, seeks to retain its authority to operate as a reseller, initially granted by the commission to SBC Long Distance, its predecessor-in-interest, in Docket No. 97-0212.

II.

Discussion

HAR § 6-80-123(a), 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 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[.]

SBC Long Distance, LLC, seeks to surrender its authority to operate as a facilities-based carrier of intrastate telecommunications services. SBC Long Distance, LLC, explains that it has not provided facilities-based telecommunications services in the State, and thus, it has no Hawaii-based customers to notify of its discontinuance of facilities-based telecommunications services.

The commission approves the requests of SBC Long Distance, LLC, to: (1) surrender its authority to operate as a facilities-based carrier of telecommunications services in the State; and (2) withdraw its tariff for facilities-based telecommunications services. In addition, the commission, on its own motion, waives the customer notification requirement set forth in HAR § 6-80-123(a), as SBC Long Distance, LLC, represents that it has no Hawaii-based customers to notify of its discontinuance of facilities-based telecommunications services.

III.

Orders

THE COMMISSION ORDERS:

1. The request of SBC Long Distance, LLC, to surrender its authority to operate as a facilities-based carrier of telecommunications services in the State is approved, effective from the date of this Order.

2. The authority of SBC Long Distance, LLC, to operate as a reseller of intrastate telecommunications services remains in effect and unchanged. As the holder of a COA to operate as a reseller of intrastate telecommunications services, SBC Long Distance, LLC, shall continue to be subject to all applicable provisions of HRS chapter 269; HAR chapters 6-80 and 6-81; any other applicable State laws and commission rules; and any orders that the commission may issue from time to time.

3. SBC Long Distance, LLC, shall continue to file its tariffs in accordance with HAR §§ 6-80-39 and 6-80-40, and its tariffs shall comply with the applicable provisions of HAR chapter 6-80. In the event of a conflict between any tariff provision and State law, State law shall prevail.

4. The request of SBC Long Distance, LLC, to withdraw its tariff for facilities-based telecommunications services is approved.

5. The customer notification requirement set forth in HAR § 6-80-123(a) is waived.

6. This docket is closed unless ordered otherwise by the commission.

DONE at Honolulu, Hawaii JUN - 4 2007.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By Carlito P. Caliboso
Carlito P. Caliboso, Chairman

By John E. Cole
John E. Cole, Commissioner

APPROVED AS TO FORM:

Michael Azama
Michael Azama
Commission Counsel
2007-0135

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 23475 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
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Karen Higashi

DATED: JUN - 4 2007