

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Request of)
)
NEW ACCESS COMMUNICATIONS LLC)
)
To Voluntarily Surrender its)
Certificate of Authority.)
_____)

DOCKET NO. 03-0210

ORDER NO. 23658

Filed Sept. 13, 2007
At 2 o'clock P.M.

Karen Higashi
Chief Clerk of the Commission

RECEIVED
2007 SEP 14 A 8:04
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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Request of)
)
NEW ACCESS COMMUNICATIONS LLC) Docket No. 03-0210
)
To Voluntarily Surrender its) Order No. 23658
Certificate of Authority.)
_____)

ORDER

By this Order, the commission approves the voluntary surrender of NEW ACCESS COMMUNICATIONS LLC's ("Petitioner") certificate of authority ("COA") to operate as a reseller of intrastate telecommunications services.

I.

Background

Petitioner holds a COA to operate as a reseller of intrastate telecommunications services.¹ Petitioner requests the commission's approval to voluntarily surrender its COA, by letter

¹See In re New Access Comm. LLC, Docket No. 03-0210, Decision and Order No. 20439, filed on September 15, 2003 (COA issued to Petitioner); see also In re First Comm., LLC, Docket No. 2006-0471, Decision and Order No. 23499, filed on June 20, 2007 (prior to surrendering its COA, Petitioner shall file any annual financial reports and pay any applicable public utility fees due and owing to the commission).

dated August 7, 2007.² In support of its request, Petitioner states:

[Petitioner] ceased to provide service to customers in your state on March 1, 2007 due to a sale of substantially all of its assets, including the customer base and related assets to First Communications LLC, a licensed telecommunications carrier in your state. [Petitioner] is not intending now, or in the future to provide telecommunications services in your state.

Petitioner's letter, dated August 7, 2007, at 1; see also In re First Comm., LLC, Docket No. 2006-0471, Decision and Order No. 23499, filed on June 20, 2007 (transfer of Petitioner's customer base to First Communications, LLC, following written notification to the affected customers). On September 10, 2007, Petitioner filed its annual financial reports and paid its outstanding public utility fees, in compliance with the commission's directive.³

II.

Discussion

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

²The commission forwarded a copy of Petitioner's letter to the Department of Commerce and Consumer Affairs, Division of Consumer Advocacy ("Consumer Advocate"). See commission's letter, dated August 22, 2007.

³See commission's letter, dated August 22, 2007; see also In re First Comm., LLC, Docket No. 2006-0471, Decision and Order No. 23499, filed on June 20, 2007.

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[.]

The commission: (1) approves the voluntary surrender of Petitioner's COA; and (2) waives the customer notification requirement set forth in HAR § 6-80-123(a), as Petitioner's customer base was effectively transferred to First Communications, LLC upon the closing of the subject transaction in Docket No. 2006-0471.

III.

Orders

THE COMMISSION ORDERS:

1. Petitioner's request to surrender its COA to operate as a reseller of intrastate telecommunications services is approved, effective from the date of this Order.

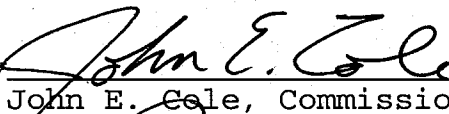
2. The customer notification requirement set forth in HAR § 6-80-123(a) is waived.

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

DONE at Honolulu, Hawaii SEP 13 2007.


PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
John E. Cole, Commissioner

By 
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:


Michael Azama
Commission Counsel

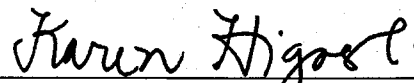
03-0210.cp

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 23658 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

CHRISTINE GRONEWALD
REGULATORY AND COMPLIANCE MANAGER
NEW ACCESS COMMUNICATIONS LLC
60 South 6th Street
Suite 2535
Minneapolis, MN 55402



Karen Higashi

DATED: **SEP 13 2007**