

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

-----In the Matter of the----- )  
 )  
PUBLIC UTILITIES COMMISSION )  
 )  
Instituting a Proceeding )  
Regarding Hawaiian Telcom, Inc.'s )  
Service Quality and Performance )  
Levels and Standards in Relation )  
To Its Retail and Wholesale )  
Customers. )  
\_\_\_\_\_ )

DOCKET NO. 2006-0400

ORDER NO. 23676

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

2007 SEP 24 A 8:42

RECEIVED

Filed Sept. 21, 2007  
At 9:30 o'clock A .M.

Karen Higashi  
Chief Clerk of the Commission

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

Karen Higashi

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Docket No. 2006-0400

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ORDER

The commission issues this prehearing order following the prehearing conference held on Wednesday, September 19, 2007, in preparation for the hearing scheduled to commence on Tuesday, September 25, 2007.<sup>1</sup>

I.

Introduction

On September 19, 2007, the commission held a prehearing conference pursuant to Hawaii Administrative Rules ("HAR") § 6-61-36 with representatives of HAWAIIAN TELCOM, INC. ("Hawaiian Telcom"); the DIVISION OF CONSUMER ADVOCACY, DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS ("Consumer Advocate"); the UNITED STATES DEPARTMENT OF DEFENSE and ALL OTHER FEDERAL EXECUTIVE AGENCIES ("DOD"); PACIFIC LIGHTNET, INC. ("PLNI"); and TIME WARNER TELECOM OF HAWAII, L.P. dba

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<sup>1</sup>See Notice of Hearing issued by the commission on September 6, 2007.

OCEANIC COMMUNICATIONS ("Time Warner") (collectively, the "Parties").<sup>2</sup> The commission issues this prehearing order, in accordance with HAR § 6-61-37.

## II.

### Discussion

Consistent with the agreements reached and actions taken at the prehearing conference, and unless otherwise modified by the commission, the following terms shall control the hearing and the remaining course of this proceeding:

1. The Parties may pose no more than 25 written questions (inclusive of subparts)<sup>3</sup> to each other regarding the post-collaborative filings submitted on August 31, 2007, and September 14, 2007.<sup>4</sup> The written questions shall be served on each respective party via e-mail or fax and filed with the commission no later than Friday, September 21, 2007, 4:30 p.m. (HST). Each written question must clearly identify the issue to which it relates and shall not be duplicative of information

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<sup>2</sup>By letter dated September 11, 2007, the commission notified the Parties that it would hold a prehearing conference on Wednesday, September 19, 2007, at 9:30 a.m. in the commission's hearing room.

<sup>3</sup>For example, a party can serve "Party A" up to 25 questions (inclusive of sub-parts) and then choose to serve "Party B", "Party C", and "Party D" each with 25 questions (inclusive of sub-parts).

<sup>4</sup>Specifically, Hawaiian Telcom, the DOD, PLNI, and Time Warner filed their post-collaborative final position statements on August 31, 2007. On that day, in lieu of the Consumer Advocate's post-collaborative final position statement, a stipulation between Hawaiian Telcom and the Consumer Advocate was filed. Additionally, on September 14, 2007, Hawaiian Telcom filed its post-collaborative reply position statement.

requests that have been previously submitted in this proceeding. The Parties shall present at the hearing a qualified representative or qualified representatives to respond to the written questions.

2. At the hearing, the Parties will be allowed to present argument concerning their respective positions and settlements filed in this docket. The hearing is not an "evidentiary" hearing. Thus, aside from the qualified representative or qualified representatives offered to respond to the written questions, no witnesses shall be allowed. The Order of Procedure for this hearing is established as follows:

For each issue (or sub-issue):

(a) **Summary of Positions / Settlements**

Hawaiian Telcom  
Consumer Advocate  
DOD  
Time Warner  
PLNI

(b) **Responses to Written Questions**

Hawaiian Telcom  
Consumer Advocate  
DOD  
Time Warner  
PLNI

(c) **Rebuttal / Final Arguments**

PLNI  
Time Warner  
DOD  
Consumer Advocate  
Hawaiian Telcom

3. By Monday, September 24, 2007, 12:00 noon (HST), the Parties shall each file their List of Exhibits, if any, identifying the exhibits that they intend to use during the

hearing.<sup>5</sup> The Parties' hearing exhibits shall be pre-marked. For example: HTI Hearing Exhibit \_\_, CA Hearing Exhibit \_\_, DOD Hearing Exhibit \_\_, Time Warner Hearing Exhibit \_\_, and PLNI Hearing Exhibit \_\_.

4. By Monday, September 24, 2007, 12:00 noon (HST), each party shall make a submittal identifying by name and position their respective hearing representatives (including their counsel) and any individuals who will respond to the written questions.<sup>6</sup>

5. Each party may make an opening statement of no more than five minutes and a closing statement of no more than five minutes. The Parties may waive either or both their respective opening and closing statements. Unless directed otherwise by the commission, opening statements, if any, shall be in the following order: (1) Hawaiian Telcom; (2) the Consumer Advocate; (3) the DOD; (4) Time Warner; and (5) PLNI. Closing statements, unless directed otherwise by the commission, shall be in the following order: (1) PLNI, (2) Time Warner; (3) the DOD; (4) the Consumer Advocate; and (5) Hawaiian Telcom.

6. To avoid having to close the hearing, the Parties shall, to the fullest extent possible, not include confidential information covered under Protective Order No. 23127, filed on

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<sup>5</sup>Due to the short timeframe, a copy of the List of Exhibits, if any, should be transmitted to the commission and each party via e-mail or fax.

<sup>6</sup>Due to the short timeframe, a copy of the list of representatives should be transmitted to the commission and each party via e-mail or fax.

December 11, 2006, in their respective arguments and other statements. The Parties shall advise the commission prior to the hearing if they anticipate disclosing confidential information during the hearing.

7. The commission may ask questions of the Parties at any time during the hearing.

8. The DOD shall be allowed to participate via teleconference.

9. Simultaneous post-hearing briefs are due no later than three weeks following the receipt of the hearing transcripts, and simultaneous reply briefs are due no later than two weeks after opening briefs are due.

### III.

#### Order

#### THE COMMISSION ORDERS:

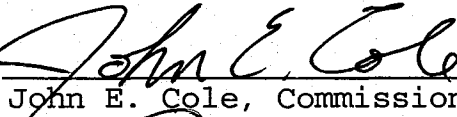
The terms set forth in this Order shall govern the remainder of this proceeding, unless modified or ordered otherwise by the commission.

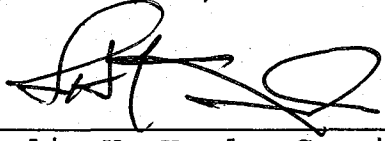
DONE at Honolulu, Hawaii

SEP 21 2007

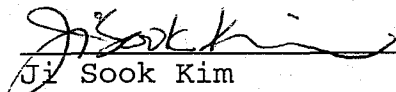
PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Carlito P. Caliboso, Chairman

By   
John E. Cole, Commissioner

By   
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:

  
Ji Sook Kim  
Commission Counsel

2006-0400.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 23676 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

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Certificate of Service  
Page 2

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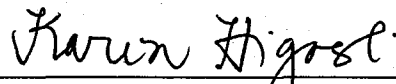
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DATED: SEP 21 2007