BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----In the Matter of the----

PUBLIC UTILITIES COMMISSION

DOCKET NO. 2006-0400

Instituting a Proceeding
Regarding Hawaiian Telcom, Inc.'s
Service Quality and Performance
Levels and Standards in Relation
To Its Retail and Wholesale
Customers.

ORDER NO. 23676

Filed ______________ 2007
At ____________ o’clock __ A __.M.

Karen Higashī
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----

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

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, 2007.¹

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

¹See Notice of Hearing issued by the commission on September 6, 2007.
OCEANIC COMMUNICATIONS ("Time Warner") (collectively, the "Parties"). 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) to each other regarding the post-collaborative filings submitted on August 31, 2007, and September 14, 2007. 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.

2. 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.

3. 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).

4. 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. 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.

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

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.

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.

2006-0400 4
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
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.

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

**STEPHEN S. MELNIKOFF, ESQ.**
GENERAL ATTORNEY
REGULATORY LAW OFFICE
OFFICE OF THE JUDGE ADVOCATE GENERAL (JALS-RL)
U.S. ARMY LITIGATION CENTER
901 North Stuart Street, Suite 700
Arlington, VA  22203-1837

Attorney for the UNITED STATES DEPARTMENT OF DEFENSE
and ALL OTHER FEDERAL EXECUTIVE AGENCIES

**LESLIE ALAN UEOKA, ESQ.**
HAWAIIAN TELCOM, INC.
P. O. Box 2200
Honolulu, HI  96841

**KENT D. MORIHARA, ESQ.**
MICHAEL H. LAU, ESQ.
KRIS N. NAKAGAWA, ESQ.
MORIHARA LAU & FONG LLP
Davies Pacific Center
841 Bishop Street, Suite 400
Honolulu, HI  96813

Attorneys for HAWAIIAN TELCOM, INC.
LISA SUAN
PACIFIC LIGHTNET, INC.
1132 Bishop Street, Suite 800
Honolulu, HI  96813

LAURA A. MAYHOOK, ESQ.
J. JEFFREY MAYHOOK, ESQ.
MAYHOOK LAW, PLLC
34808 NE 14th Avenue
La Center, WA  98629

Attorneys for PACIFIC LIGHTNET, INC.

EDWARD C. MURLEY
TIME WARNER TELECOM OF HAWAII, L.P. dba
OCEANIC COMMUNICATIONS
2669 Kilihau Street
Honolulu, HI  96819

J. DOUGLAS ING, ESQ.
PAMELA J. LARSON, ESQ.
LISA S. HIRAHARA, ESQ.
WATANABE ING & KOMEIJI LLP
First Hawaiian Center
999 Bishop Street, 23rd Floor
Honolulu, HI  96813

Attorneys for TIME WARNER TELECOM OF HAWAII, L.P. dba
OCEANIC COMMUNICATIONS

DATED:  SEP 21 2007

Karen Higashi