BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Request of)
TELHAWAII, INC.) DOCKET NO. 94-0346
) To Voluntarily Surrender its )
Certificate of Authority. )

ORDER NO. 23786

Filed Oct. 29, 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 Request of)
)
TELHAWAI\'I, INC. ) Docket No. 94-0346
)
To Voluntarily Surrender its ) Order No. 23786
Certificate of Authority. )

ORDER

By this Order, the commission approves the voluntary surrender of TELHAWAI\'I, INC.'s ("Petitioner") certificate of authority ("COA") to provide telecommunications services within the State of Hawaii ("State").

I.

Background

Petitioner holds a COA to provide telecommunications services within the State.\(^1\) Petitioner requests the commission's approval to voluntarily surrender its COA, by letter dated October 9, 2007.\(^2\) As part of its request, Petitioner:

(1) submitted its annual financial reports for 2006 and 2007;

\(^1\)See In re GTE Hawaiian Tel. Co. Inc., Order No. 14843, filed on August 5, 1996.

\(^2\)Petitioner's letter, dated October 9, 2007. Petitioner served copies its letter upon the Department of Commerce and Consumer Affairs, Division of Consumer Advocacy ("Consumer Advocate"), and Hawaiian Telcom, Inc.

In response to Petitioner's informal inquiry on March 6, 2007, commission staff advised Petitioner of the procedures for surrendering its COA.
(2) paid the applicable public utility fees; and (3) verifies that it is unable to locate the original COA issued to Petitioner. In support of this request to surrender, Petitioner states that it "no longer operates in the State of Hawaii and has no facilities or customers."

II.

Discussion

Hawaii Administrative Rules ("HAR") § 6-80-122 provides in respective part:

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<th>Abandonment or discontinuance of noncompetitive service.</th>
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<td>(a) A telecommunications carrier intending or seeking to abandon or discontinue offering or providing a noncompetitive service in any geographic or exchange area shall, not later than six months before the proposed date of abandonment or discontinuance of service, provide a written notice of its intent to:</td>
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<td>(1) The commission;</td>
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<td>(2) The consumer advocate;</td>
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<td>(3) Its affected customers; and</td>
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<td>(4) Every telecommunication carrier in the State providing the same or equivalent service that is proposed to be abandoned or discontinued.</td>
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| (b) The commission shall investigate the proposed abandonment or discontinuance of service. It may suspend the proposed abandonment or discontinuance of service and, after an expedited hearing: |
| (1) Allow the proposed abandonment or discontinuance to take effect upon such reasonable terms and conditions that it deems are in the public interest; |

HAR § 6-80-122.

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By letter dated July 16, 1999, Petitioner initially informed the commission of its intent to discontinue its provisioning of telecommunications services by August 31, 1999, and that all of its customers (subject to their consent) would be transitioned to the incumbent telecommunications carrier, then known as GTE Hawaiian Telephone Co. Inc ("GTE"), by that date. At that time, Petitioner stated its "inten[t] to maintain its certificate in the event that it becomes appropriate to provide service in Hawaii in the future."\(^5\)

Since August 1999, Petitioner has effectively ceased its operations within the State, and it has no facilities or customers. Thus, Petitioner now seeks to surrender its COA.

The commission approves the voluntary surrender of Petitioner's COA, and waives the requirements set forth in HAR § 6-80-122(a) and (b) governing customer notification and an expedited hearing, as Petitioner ceased its operations in August 1999, and has no customers to notify of its discontinuance of telecommunications services.

\(^4\)See In re TelHawaii, Inc., Docket No. 97-0026, Petitioner's letter, dated July 16, 1999. Petitioner sent copies of its letter to "all the appropriate persons, including our customers, the Consumer Advocate, other basic service providers in the State and GTE." According to Petitioner, "relatively few customers [would be] affected by TelHawaii's closure[.]

III.

Orders

THE COMMISSION ORDERS:

1. Petitioner's request to surrender its COA to provide telecommunications services within the State is approved, effective from the date of this Order.

2. The requirements governing customer notification and an expedited hearing set forth in HAR § 6-80-122(a) and (b) are waived.

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

DONE at Honolulu, Hawaii OCT 29 2007

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By Carlito P. Caliboso, Chairman

By John E. Cole, Commissioner

APPROVED AS TO FORM:

Michael Azama
Commission Counsel

By Leslie H. Kondo, Commissioner

94-0346Draft
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 23786 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
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For TELHAWAI, INC.

Karen Higaichi

DATED:  OCT 29 2007