

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
LIGHTYEAR NETWORK SOLUTIONS, LLC)
and WHERIFY WIRELESS, INC.)
For Approval of the Indirect)
Transfer of Control of LIGHTYEAR)
NETWORK SOLUTIONS, LLC to WHERIFY)
WIRELESS, INC.)

DOCKET NO. 2008-0168

ORDER APPROVING WITHDRAWAL OF APPLICATION

RECEIVED

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

PUBLIC UTILITIES
COMMISSION

2008 DEC 22 P 1: 14

FILED

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OF THE STATE OF HAWAII

In the Matter of the Application of)
LIGHTYEAR NETWORK SOLUTIONS, LLC) Docket No. 2008-0168
and WHERIFY WIRELESS, INC.)
)
For Approval of the Indirect)
Transfer of Control of LIGHTYEAR)
NETWORK SOLUTIONS, LLC to WHERIFY)
WIRELESS, INC.)
_____)

ORDER APPROVING WITHDRAWAL OF APPLICATION

By this Order, the commission approves the withdrawal of the joint application filed by LIGHTYEAR NETWORK SOLUTIONS, LLC ("Lightyear") and WHERIFY WIRELESS, INC. ("Wherify") (collectively, "Applicants").

I.

Withdrawal Request

On August 25, 2008, Applicants filed an application ("Application")¹ seeking commission approval of a transaction that would result in the indirect transfer of control of Lightyear into and with Wherify Acquisition, Inc., ultimately resulting in Lightyear becoming an indirect subsidiary of Wherify (the "Proposed Transaction").

¹Applicants served copies of the Application on the DIVISION OF CONSUMER ADVOCACY, DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS ("Consumer Advocate"), an ex officio party to this proceeding pursuant to Hawaii Revised Statutes § 269-51 and Hawaii Administrative Rules § 6-61-62. On October 22, 2008, the Consumer Advocate submitted its Statement of Position.

By letter dated December 8, 2008, and filed on December 9, 2008, Applicants informed the commission that the Proposed Transaction described in their Application will not be consummated and, thus, requests withdrawal of the Application, without prejudice. In sum, Applicants state that they have reevaluated their plans in light of current economic conditions and have determined not to proceed with the Proposed Transaction at this time.

Upon review, the commission finds good cause, under the circumstances, to approve Applicants' request to withdraw their Application, without prejudice. Thus, the commission concludes that Applicants' request to withdraw their Application, filed on December 9, 2008, should be approved, and that this docket should be closed.

II.


Orders


THE COMMISSION ORDERS:

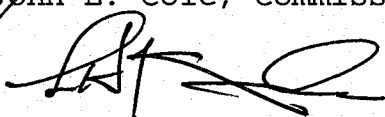
1. Applicants' request to withdraw their Application, filed on December 9, 2008, is approved without prejudice.
2. This docket is closed, unless otherwise ordered by the commission.

DONE at Honolulu, Hawaii DEC 22 2008.


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

2008-0168.laa

CERTIFICATE OF SERVICE

The foregoing order was served on the date of filing by mail, postage prepaid, and properly addressed to the following parties:

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

JEAN L. KIDDOO, ESQ.
DANIELLE C. BURT, ESQ.
BINGHAM McCUTCHEN LLP
2020 K Street, N.W.
Washington, D.C. 20006

Counsel for LIGHTYEAR NETWORK SOLUTIONS, LLC
and WHERIFY WIRELESS, INC.

JOHN GREIVE
LIGHTYEAR NETWORK SOLUTIONS, LLC
1901 Eastpoint Parkway
Louisville, KY 40223

VINCENT D. SHEERAN
WHERIFY WIRELESS, INC.
63 Bovet Road, #521
San Mateo, CA 94402