

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of )  
)  
DEVINE COMMUNICATIONS, INCORPORATED )  
)  
For a Certificate of Authority )  
to Provide Intrastate )  
Telecommunication Services Within )  
the State of Hawaii. )  
\_\_\_\_\_ )

DOCKET NO. 2008-0160

ORDER DISMISSING APPLICATION WITHOUT PREJUDICE

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

PUBLIC UTILITIES  
COMMISSION

2008 DEC 26 A 8:51

FILED

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the State of Hawaii. )  
\_\_\_\_\_)

Docket No. 2008-0160

ORDER DISMISSING APPLICATION WITHOUT PREJUDICE

By this Order, the commission dismisses without prejudice the application for a certificate of authority ("COA") to provide intrastate telecommunications services on a resold basis, filed by DEVINE COMMUNICATIONS, INCORPORATED ("Devine Communications") on August 11, 2008.<sup>1</sup>

I.

Dismissal Without Prejudice

On August 11, 2008, Devine Communications filed its Application seeking a COA to provide intrastate telecommunications services on a resold basis. On November 21, 2008, the commission issued its Notice of Intent to Dismiss Application, informing Devine Communications that its

<sup>1</sup>Application; Exhibits A - E; Verification; and Certificate of Service, filed on August 11, 2008 (collectively, "Application"). Applicant served a copy of its Application upon the DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS, DIVISION OF CONSUMER ADVOCACY ("Consumer Advocate"), an ex officio party to this proceeding, pursuant to Hawaii Revised Statutes § 269-51 and Hawaii Administrative Rules ("HAR") § 6-61-62(a).

Application will be dismissed by the commission without prejudice unless the applicant, by December 22, 2008, submitted its financial statement for the purpose of demonstrating its financial fitness to provide telecommunications services within the State of Hawaii, in compliance with HAR § 6-80-17(c)(1)(E).<sup>2</sup>

Despite numerous notifications, Devine Communications has not submitted its financial statement in support of its Application. Accordingly, the commission dismisses without prejudice the Application filed by Devine Communications on August 11, 2008.

## II.

### Orders

#### THE COMMISSION ORDERS:

1. Devine Communications' application for a COA to provide intrastate telecommunications services on a resold basis, filed on August 11, 2008, is dismissed without prejudice.

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

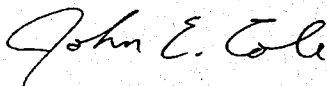
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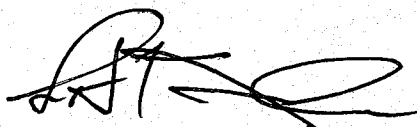
<sup>2</sup>Notice of Intent to Dismiss Application; and Certificate of Service, filed on November 21, 2008; see also Consumer Advocate's Statement of Position, filed on October 1, 2008 (Devine Communications should be required to submit its requisite financial statement prior to receiving its COA); and Commission's letter, dated October 2, 2008 (no action will be taken by the commission on the Application until Devine Communications files its financial statement).

DONE at Honolulu, Hawaii DEC 26 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:

  
Michael Azama  
Commission Counsel

2008-0160.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:

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EXECUTIVE DIRECTOR  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
DIVISION OF CONSUMER ADVOCACY  
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