

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Request of)
)
 ACCERIS MANAGEMENT AND)
 ACQUISITION LLC)
)
 To Voluntarily Surrender its)
 Certificate of Authority.)
 _____)

DOCKET NO. 05-0165

ORDER NO. 24121

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

2008 APR -7 A 8:35

RECEIVED

Filed April 4, 2008
At 9 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

K. Higashi.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Request of)
ACCERIS MANAGEMENT AND) Docket No. 05-0165
ACQUISITION LLC) Order No. 24121
To Voluntarily Surrender its)
Certificate of Authority.)
_____)

ORDER

By this Order, the commission approves the voluntary surrender of ACCERIS MANAGEMENT AND ACQUISITION LLC's ("Petitioner") certificate of authority ("COA") to operate as a reseller of intrastate telecommunications services.

I.

Background

Petitioner holds a COA to operate as a reseller of intrastate telecommunications services.¹ Petitioner requests the commission's approval to voluntarily surrender its COA, by letter

¹See Decision and Order No. 22314, filed on March 10, 2006 (COA issued to Petitioner); see also In re First Comm., LLC, Docket No. 2006-0471, Decision and Order No. 23499, filed on June 20, 2007 (prior to surrendering its COA, Petitioner shall file any annual financial reports and pay any applicable public utility fees due and owing to the commission).

dated August 7, 2007.² In support of its request, Petitioner states:

[Petitioner] ceased to provide service to customers in your state on March 1, 2007 due to a sale of substantially all of its assets, including the customer base and related assets to First Communications LLC, a licensed telecommunications carrier in your state. [Petitioner] is not intending now, or in the future to provide telecommunications services in your state.

Petitioner's letter, dated August 7, 2007, at 1; see also In re First Comm., LLC, Docket No. 2006-0471, Decision and Order No. 23499, filed on June 20, 2007 (transfer of Petitioner's customer base to First Communications, LLC, following written notification to the affected customers).

By letter dated September 11, 2007, the commission informed Petitioner of the need to: (1) file its 2006 and 2007 Annual Financial Reports; and (2) pay the applicable public utility fees. On March 24, 2008, Petitioner complied in toto with the commission's directive.

II.

Discussion

Hawaii Administrative Rules ("HAR") § 6-80-123, governing the discontinuance of a fully or partially competitive telecommunications service, states in part:

Abandonment or discontinuance of fully or partially competitive service. (a) A telecommunications carrier intending or seeking to abandon or discontinue offering or providing a

²The commission forwarded a copy of Petitioner's letter to the Department of Commerce and Consumer Affairs, Division of Consumer Advocacy ("Consumer Advocate"). See Commission's letter, dated September 11, 2007.

fully or partially competitive service shall, not later than thirty days before the proposed date of abandonment or discontinuance, provide a written notice of its intent to the commission, the consumer advocate, and its affected customers. . . .

(b) The commission may:

- (1) Allow the proposed abandonment or discontinuance of service to take effect on such reasonable terms and conditions that it deems are in the public interest[.]

The commission: (1) approves the voluntary surrender of Petitioner's COA; and (2) waives the customer notification requirement set forth in HAR § 6-80-123(a), as Petitioner's customer base was effectively transferred to First Communications, LLC upon the closing of the subject transaction in In re First Comm., LLC, Docket No. 2006-0471.³

III.

Orders

THE COMMISSION ORDERS:

1. Petitioner's request to surrender its COA to operate as a reseller of intrastate telecommunications services is approved, effective from the date of this Order.
2. The customer notification requirement set forth in HAR § 6-80-123(a) is waived.
3. This docket is closed unless ordered otherwise by the commission.

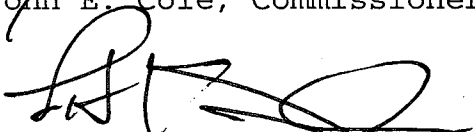
³In the Annual Financial Reports submitted to the commission on March 24, 2008, Petitioner lists a new address (Pittsburgh, PA). A copy of this Order will be served upon Petitioner's new address, and upon the address listed in Petitioner's letter, dated August 7, 2007.

DONE at Honolulu, Hawaii APR - 4 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

05-0165.laa

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 24121 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
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Karen Higashi

DATED: APR - 4 2008