

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Request of)
MOBILE ESPN, LLC)
To Voluntarily Surrender its)
Certificate of Registration.)
_____)

DOCKET NO. 05-0270

ORDER NO. 24122

Filed April 4, 2008
At 9 o'clock A.M.

Karen Higashi
Chief Clerk of the Commission

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

2008 APR -7 A 8:35

RECEIVED

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)
MOBILE ESPN, LLC)
To Voluntarily Surrender its)
Certificate of Registration.)
_____)

Docket No. 05-0270

Order No. 24122

ORDER

By this Order, the commission approves the voluntary surrender of MOBILE ESPN, LLC's ("Petitioner") certificate of registration ("COR").

I.

Background

Petitioner holds a COR to provide commercial mobile radio services ("CMRS") on a resold basis within the State of Hawaii ("State").¹ On February 5, 2007, Petitioner submitted its 2006 Annual Financial Report, with the written notation that Petitioner ceased business as of December 31, 2006, and has "no Hawaii assets [or] customers." By letter dated February 14, 2007, the commission: (1) informed Petitioner that it will treat the written notation as a request to voluntarily surrender Petitioner's COR; and (2) instructed Petitioner to submit its 2007 Annual Financial Report and pay the applicable

¹See Decision and Order No. 22321, filed on March 15, 2006.

public utility fees.² Thereafter, on March 13, 2008, the commission sent a Final Notice to Petitioner, with a due date of March 28, 2008.

II.

Discussion

Hawaii Administrative Rules ("HAR") § 6-80-123(c) provides in relevant part that for any telecommunications carrier whose entry into the intrastate telecommunications market is preempted by federal law,³ said carrier "shall, not later than thirty days before the proposed effective date of any contemplated abandonment or discontinuance of service, provide a written notice of [its] intent to abandon or discontinue service to the commission, the consumer advocate, and affected customers."

Here, Petitioner has not responded to the Final Notice. Nonetheless, Petitioner has ceased its operations as of December 31, 2006, and a review of Petitioner's 2005 and 2006 Annual Financial Reports on file with the commission confirms that it did not generate any operating revenues within the State. Given Petitioner's non-provision of CMRS on a resold basis within the State, the commission, in lieu of revocation, approves the

²The commission also sent a copy of Petitioner's 2006 Annual Financial Report to the Department of Commerce and Consumer Affairs, Division of Consumer Advocacy ("Consumer Advocate").

³See also HAR § 6-80-2(b)(2), 6-80-17(d), and 6-80-18(b).

voluntary surrender of Petitioner's COR, pursuant to HAR § 6-80-123(c).⁴

III.

Order

THE COMMISSION ORDERS:

1. Petitioner's request to surrender its COR to provide CMRS on a resold basis within the State is approved, effective from the date of this Order.

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

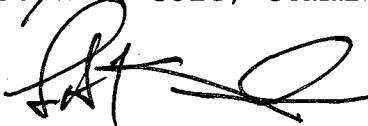
⁴The commission notified Petitioner of its need to file its 2007 Annual Financial Report and pay the applicable public utility fees based on its 2006 and 2007 revenues. See Commission's letter, dated February 14, 2007; and Final Notice, dated March 13, 2008. In the future event Petitioner, its parent, affiliate, subsidiary, or other related entity, re-applies for certification, it will be required to file Petitioner's 2007 Annual Financial Report and pay the fee balance owed (based on Petitioner's 2006 and 2007 revenues).

DONE at Honolulu, Hawaii APR - 4 2008.

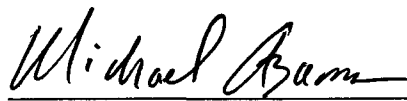
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
John E. Cole, Commissioner

By 
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:


Stacey Kawasaki Djou
Commission Counsel

05-0270.cp

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 24122 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

MOBILE ESPN, LLC
605 Third Avenue, 8th Floor
New York, NY 10158

SUSAN DUGGAN
TCS, Inc.
3100 Cumberland Boulevard
Suite 900
Atlanta, GA 30339



Karen Higashi

DATED: APR - 4 2008