

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Request of)
)
 NETWORK PTS, INC.)
)
 To Voluntarily Surrender its)
 Certificate of Authority.)
 _____)

DOCKET NO. 05-0066

ORDER APPROVING THE SURRENDER
OF A CERTIFICATE OF AUTHORITY

RECEIVED

2009 JAN -7 A 8:21

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

PUBLIC UTILITIES
COMMISSION

2009 JAN -6 A 10:09

FILED

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Request of)
)
 NETWORK PTS, INC.) Docket No. 05-0066
)
 To Voluntarily Surrender its)
 Certificate of Authority.)
 _____)

ORDER APPROVING THE SURRENDER
OF A CERTIFICATE OF AUTHORITY

By this Order, the commission approves the voluntary surrender of NETWORK PTS, INC.'s ("Petitioner") certificate of authority ("COA") to provide intrastate telecommunications services as a reseller and an operator service provider.

I.

Background

Petitioner holds a COA to provide intrastate telecommunications services as a reseller and an operator service provider.¹ By letter dated April 8, 2008, Petitioner requests the commission's approval to voluntarily surrender its COA, noting that it "does not have any customer[s] in Hawaii and has ceased operations in the state."²

¹See Decision and Order No. 21889, filed on June 24, 2005.

²Petitioner's letter, dated April 8, 2008, at 1.

By letter dated April 10, 2008, the commission informed Petitioner of the need to: (1) file its 2008 Annual Financial Report; and (2) pay the applicable public utility fees.³ Petitioner subsequently paid the applicable public utility fees.⁴

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 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[.]

³See Commission's letter, dated April 10, 2008; see also Commission's letters, dated October 8 and 20, 2008.

⁴While Petitioner did not file its 2008 Annual Financial Report, see Commission's letters, dated October 8 and 20, 2008, Petitioner paid the applicable public utility fee for the period covered by the non-filed report. Cf. In re General Telcourier, Inc., dba Pager One, Docket No. 5952, Order No. 23394, filed on April 30, 2007, at 3 n.3 (in granting the telecommunications carrier's request to surrender its certificate of public convenience and necessity, the commission noted in part that while the telecommunications carrier did not file its 2005 Annual Financial Report, it paid the applicable public utility fee for the period covered by the non-filed report).

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 represents that it has no Hawaii-based customers to notify of its intent to discontinue intrastate telecommunications services.

III.

Orders

THE COMMISSION ORDERS:


1. Petitioner's request to surrender its COA to operate as a reseller and operator service provider of intrastate telecommunications services is approved, effective from the date of this Order.

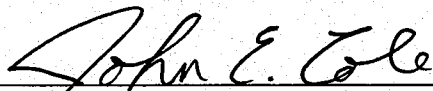
2. The customer notification requirement set forth in HAR § 6-80-123(a) is waived.

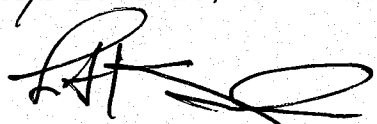
3. This docket is closed unless ordered otherwise by the commission.

DONE at Honolulu, Hawaii JAN - 6 2009 .

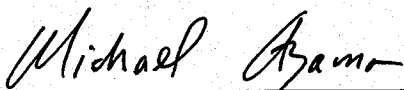
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
John E. Cole, Commissioner

By 
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:


Michael Azama
Commission Counsel

05-0066.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

MONIQUE BYRNES
TECHNOLOGIES MANAGEMENT INC.
P. O. Drawer 200
Winter Park, FL 32790-0200

Consultant to NETWORK PTS, INC.

PHYLLIS MILLER
COMPLIANCE REPORTING SPECIALIST
TECHNOLOGIES MANAGEMENT INC.
P. O. Drawer 200
Winter Park, FL 32790-0200

Consultant to NETWORK PTS, INC.