

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

----- In the Matter of ----- )  
 )  
PUBLIC UTILITIES COMMISSION )  
 )  
Instituting an Investigation )  
into the Carrier Contribution )  
Factor and Telecommunications )  
Relay Services Fund Size for )  
the period of July 1, 2009 )  
through June 30, 2010. )  
\_\_\_\_\_ )

DOCKET NO. 2009-0095

DECISION AND ORDER

RECEIVED

2009 JUN 10 A 8:24

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

PUBLIC UTILITIES  
COMMISSION

2009 JUN -9 P 12:50

FILED

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OF THE STATE OF HAWAII

----- In the Matter of ----- )	)	
PUBLIC UTILITIES COMMISSION )	)	Docket No. 2009-0095
Instituting an Investigation )	)	
into the Carrier Contribution )	)	
Factor and Telecommunications )	)	
Relay Services Fund Size for )	)	
the period of July 1, 2009 )	)	
through June 30, 2010. )	)	
_____ )	)	

DECISION AND ORDER

By this Order, the commission establishes the Telecommunications Relay Services ("TRS") carrier contribution factor for the period July 1, 2009 to June 30, 2010 (the "Period") at 0.0012, and establishes the projected TRS fund size for the Period at approximately \$138,415.

I.

Background

On May 23, 2003, the commission issued Order No. 20193 in Docket No. 03-0058 ("Order No. 20193"), which, among other things, ordered: (1) every telecommunications carrier providing intrastate telecommunications service in the State to contract with Sprint<sup>1</sup> for the provision of TRS for the period beginning

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<sup>1</sup>In Docket No. 03-0058, the commission selected Sprint Communications Co., LP ("Sprint") as the exclusive provider of intrastate TRS within the State of Hawaii ("State") from July 1, 2003 to June 30, 2006. See Decision and Order No. 20163, filed on April 30 2003, in Docket No. 03-0058.

July 1, 2003 to June 30, 2006; (2) carrier contributions to the TRS fund shall be based upon carriers' gross operating revenues from the retail provision of intrastate telecommunications services during the preceding calendar year; (3) contributions to the TRS fund shall be calculated as the product of the carriers' gross operating revenues from the retail provision of intrastate telecommunications services during the preceding calendar year, which is subject to investigation by the commission, and a contribution factor determined annually by the commission; and (4) the annual TRS funding period commences on July 1<sup>st</sup> and ends June 30<sup>th</sup> of each year.

## II.

### Investigation

By the Order Initiating Investigation Regarding Telecommunications Relay Services, filed on May 5, 2009 ("Order Initiating Investigation"), the commission initiated the instant proceeding to examine whether to modify the TRS carrier contribution factor and fund size for the Period, established in accordance with Order No. 20193, and updated by Order No. 21049, filed on June 10, 2004, in Docket No. 04-0070, by Decision and

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By Order No. 22438, filed on May 1, 2006, in Docket No. 03-0058, the commission extended Sprint's provision of TRS for an additional two years (from July 1, 2006 to June 30, 2008), and approved a price increase for Sprint's services under the extended period. By letter dated March 4, 2008, the commission selected Sprint to be the TRS provider for the period from July 1, 2008 to June 30, 2011. The price per session minute for TRS and Captel Relay Service ("Captel") remained at \$1.90, however, the fixed monthly recurring charge was increased from \$34,000 to \$38,000 per month.

Order No. 21847, filed on May 31, 2005, in Docket No. 05-0088, by Decision and Order No. 22536, filed on June 16, 2006, in Docket No. 2006-0126, by Decision and Order No. 23481, filed on June 7, 2007, in Docket No. 2007-0113, and by Decision and Order filed on June 27, 2008 in Docket No. 2008-0089. Specifically, in the Order Initiating Investigation, the commission proposed to increase the carrier contribution factor from 0.0008 to 0.0012. The commission also proposed to decrease the fund size from \$332,103 to \$138,415 for the Period, which represents an approximate 1.675-month operating reserve for the fund.

The commission served copies of the Order Initiating Investigation on the DIVISION OF CONSUMER ADVOCACY, DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS ("Consumer Advocate"),<sup>2</sup> Sprint, and all chartered, certificated, and registered telecommunications carriers in the State, except payphone providers,<sup>3</sup> at their mailing addresses on file with the commission to solicit written comments. The deadline for written comments to the proposals was May 20, 2009. As of the date of this Decision and Order, no written comments were filed with the commission on any of the commission's proposals.

Upon review, the commission finds the proposals in the Order Initiating Investigation to be reasonable and in the public interest. Accordingly, the carrier contribution factor for the

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<sup>2</sup>The Consumer Advocate is statutorily mandated to represent, protect, and advance the interests of all consumers of utility service and is an ex officio party to any proceeding before the commission. See Hawaii Revised Statutes ("HRS") § 269-51 and Hawaii Administrative Rules ("HAR") § 6-61-62.

<sup>3</sup>In Order No. 20193, the commission specifically excluded payphone providers from contributing to the TRS fund.

Period shall be 0.0012 and the projected TRS fund size for the Period shall be established at approximately \$138,415.

### III.

#### Orders

##### THE COMMISSION ORDERS:

1. The contribution factor for the Period (July 1, 2009 to June 30, 2010) shall be 0.0012. The projected TRS fund size for the Period shall be approximately \$138,415.

2. Each carrier shall complete and submit a TRS Reporting Worksheet, attached to this Order as Exhibit "A".

3. Annual contributions are due July 26<sup>th</sup> of each year; carriers who owe contributions of \$1,200 or more may pay in twelve equal monthly installments, due on the 26<sup>th</sup> of each month, provided that they submit their TRS Reporting Worksheet by July 26<sup>th</sup> of each year.

4. Carriers reporting \$10,000 or less in gross intrastate retail revenues shall contribute at least \$12.00 for the period July 1, 2009 to June 30, 2010.

5. Every carrier, except Commercial Mobile Radio Service ("CMRS") providers, shall comply with the 30-day notice requirement of HRS § 269-16(b) and HAR § 6-80-40(b) for any TRS surcharge imposed on its customers, both residential and business, to recover the amount of its contribution. CMRS providers shall place information on their TRS surcharges on their websites, consistent with Decision and Order No. 20890, filed on April 7, 2004, in Docket No. 03-0186.


6. Order No. 20193, filed on May 23, 2003, in Docket No. 03-0058, is amended consistent with the terms and conditions of this Decision and Order. In all other respects, Order No. 20193 remains unchanged.

DONE at Honolulu, Hawaii JUN - 9 2009.

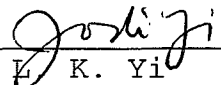
PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By:   
Carlito P. Caliboso, Chairman

By:   
John E. Cole, Commissioner

By:   
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:

  
Jodi L. K. Yi  
Commission Counsel

2009-0095.cp

SECTION A		CARRIER IDENTIFICATION	
Date:		Company Code: HW000	
Company Name:			
Mailing Address:			
Email Address:			
Phone Number:	(      )		

SECTION C		MONTHLY CONTRIBUTION	
7. Divide line 6 by 12			
<p>Line 7 is your first monthly contribution to the TRS Fund, for the period beginning July 1<sup>st</sup> of the current year to June 30<sup>th</sup> of the following year. Send your 1<sup>st</sup> monthly remittance with a copy of this worksheet to the address listed below. Please pay the amount on line 7 by July 26<sup>th</sup>. Solix Inc. will then send you a bill for the remaining eleven monthly payments.</p>			

SECTION D		CERTIFICATION	
Under penalties as provided by law, I certify that I am duly authorized to verify the foregoing information contained herein and that the information is true and correct to the best of my knowledge and belief.			
_____	_____	_____	_____
Date	Officer Name	Officer Signature	Officer Title
_____	_____	_____	_____
Date	Contact Name	Contact Phone	Contact Title

<p><b>Questions???</b>  <b>Hawaii TRS Administrator</b>  Solix Inc.  100 S. Jefferson Road, P.O. Box 902  Whippany, NJ 07981  Phone (973) 581-7693  Fax (973) 599-6504</p>	<p><b>Make checks payable to</b>  <b>"Hawaii TRS"</b>  <b>and send with worksheet to:</b>  Attn: Hawaii TRS Administrator  Solix Inc.  100 S. Jefferson Road, P.O. Box 902  Whippany, NJ 07981</p>
--	--

Company Name: \_\_\_\_\_ Company Code: HW000 \_\_\_\_\_

<b>SECTION E                      DETAILS CONCERNING REVENUE ADJUSTMENT(S)</b>	
If revenue adjustment(s) are not explained here, amounts deducted may be disallowed and proposed assessments may be prepared against you.	
Describe amounts deducted from Gross Revenues to obtain Gross Intrastate Retail Revenues (list):	Amount
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
<b>TOTAL</b>	



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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