

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
)
MASKINA COMMUNICATIONS, INC. f/k/a)
TRANSCOM COMMUNICATIONS, INC.)
)
For Authority to Provide)
Facilities-Based Interexchange)
Telecommunications Services and)
Approval of a Change in Ownership.)
_____)

DOCKET NO. 2008-0135

ORDER GRANTING: (1) REQUEST FOR DISMISSAL OF
APPLICATION AND (2) SURRENDER OF A CERTIFICATE OF AUTHORITY

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

PUBLIC UTILITIES
COMMISSION

2009 SEP -2 A 10:48

FILED

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In the Matter of the Application of)
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MASKINA COMMUNICATIONS, INC. f/k/a) Docket No. 2008-0135
TRANSCOM COMMUNICATIONS, INC.)
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ORDER GRANTING: (1) REQUEST FOR DISMISSAL OF
APPLICATION AND (2) SURRENDER OF A CERTIFICATE OF AUTHORITY

By this Decision and Order, the commission grants the request by MASKINA COMMUNICATIONS, INC. f/k/a TRANSCOM COMMUNICATIONS, INC. ("Maskina") to: (1) dismiss its pending application seeking commission approval to expand its existing Certificate of Authority ("COA") and waive its authority for the transfer of control of Maskina as a result of the acquisition of its stock by Vyke Communications plc ("Vyke");¹ and (2) voluntarily surrender its COA to provide intrastate telecommunications services in Hawaii and any associated tariffs.²

¹Application; Exhibits A - D; Verification; and Certificate of Service, filed on July 1, 2008, and Letter filed on July 8, 2008 from Maskina to the commission regarding the commission's filing fee (collectively, "Application").

²See Letter filed on December 30, 2008, from Maskina to the commission.

I.

Background

A.

Description of Maskina

Maskina was incorporated under the laws of Texas on or about May 4, 1999.³ By Decision and Order No. 20115, filed on April 8, 2003, in Docket No. 03-0013, Maskina is authorized to provide resold long distance telecommunications services in the State of Hawaii.⁴

B.

Application

On July 1, 2008, Maskina filed an Application seeking commission approval of an expansion of its existing COA to provide resold interexchange telecommunications services to include facilities-based interexchange telecommunications services in the State of Hawaii ("State").⁵ Maskina also requested approval, on a nunc pro tunc basis, to the extent required, for the name change from Transcom to Maskina and for the transfer of control of Maskina to Vyke.⁶

³Application, at 2-3.

⁴Letter filed on December 30, 2008, from Maskina to the commission, at 1.

⁵Application, at 5.

⁶Application, at 5.

On October 21, 2008, the DIVISION OF CONSUMER ADVOCACY, DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS ("Consumer Advocate")⁷ filed a Statement of Position on October 21, 2008. The Consumer Advocate recommended that the commission approve the Application subject to certain conditions.

C.

Request for Surrender

On December 29, 2008, Maskina filed a letter with the commission stating:

By its attorneys, [Maskina] respectfully requests that the [commission] dismiss its pending application in [docket No. 2008-0135] and cancel its authorization to provide intrastate telecommunications services in Hawaii and any associated tariffs. Maskina has no customers in Hawaii at this time, so no customers will be affected by this cancellation. It is Maskina's understanding that no formal approval is required from the [c]ommission to surrender its authorization and associated tariffs. However, should the [c]ommission determine that approval is required, Maskina respectfully requests that the [c]ommission approve the cancellation of its authority . . .

Letter filed on December 30, 2008, from Maskina to the commission, at 1 (emphasis added).

Maskina states that its parent company, Vyke, a company incorporated in the United Kingdom, has decided to withdraw "most

⁷The Consumer Advocate is an ex officio party to this proceeding pursuant to Hawaii Revised Statutes § 269-51 and Hawaii Administrative Rules ("HAR") § 6-61-62.

of its operations from the United States and concentrate its service offerings abroad.”⁸

By letter dated January 5, 2009, the commission informed Maskina that with respect to Maskina’s request to surrender its commission-issued COA, Maskina must: (1) file its 2008 Annual Financial Report; and (2) pay the applicable public utility fee.⁹ On August 13, 2009, Maskina complied with the commission’s directives.

II.

Discussion

The commission finds Maskina, with no customers in the State, appears to be a non-dominant telecommunications carrier and at this time, the telecommunications services provided by Maskina are fully competitive. Therefore, Maskina’s request to dismiss its Application and surrender its COA will not adversely impact the telecommunications services market.

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

⁸Letter filed on December 30, 2008, from Maskina to the commission, at 1.

⁹Letter filed on January 5, 2009, from the commission to Maskina, at 1.

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 Maskina's COA; and (2) waives the customer notification requirement set forth in HAR § 6-80-123(a), as Maskina represents that it has no Hawaii-based customers to notify of its intent to discontinue intrastate telecommunications services.

III.

Orders

1. Maskina's Application, filed on July 1, 2008, is dismissed.

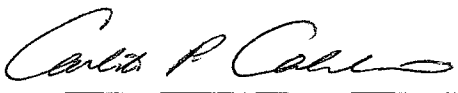
2. Maskina's request to voluntarily surrender its COA to provide intrastate telecommunications services is approved, effective from the date of this Order.

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


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

DONE at Honolulu, Hawaii SEP - 2 2009 .

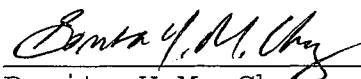
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
John E. Cole, Commissioner

By 
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:


Bonita Y.M. Chang
Commission Counsel

2008-0135.sl

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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