

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Request of)
)
 DIALAROUND ENTERPRISES INC.)
)
To Voluntarily Surrender its)
Certificate of Authority.)

DOCKET NO. 2008-0327

ORDER APPROVING THE VOLUNTARY
SURRENDER OF A CERTIFICATE OF AUTHORITY

FILED

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COMMISSION

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ORDER APPROVING THE VOLUNTARY
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By this Order, the commission approves the voluntary surrender of DIALAROUND ENTERPRISES INC.'s ("DEI") certificate of authority ("COA") to provide resold intrastate telecommunications services.

I.

Background

By Decision and Order No. 23832, filed on November 14, 2007, in In STI Prepaid, LLC and Dialaround Enter. Inc., Docket No. 2007-0058 ("Docket No. 2007-0058"), the commission: (1) granted a COA to STI Prepaid, LLC ("STi") to provide resold intrastate telecommunications services; (2) approved the transfer of Petitioner's assets to STi; and (3) instructed DEI to promptly surrender its COA. Moreover, the commission stated that "[a]fter DEI has surrendered its COA and assuming that a proper change of name is filed with

the Department of Commerce and Consumer Affairs, then STi may request to operate under the name of DEI."¹

Subsequently, by letter dated December 30, 2008, filed in this proceeding (Docket No. 2008-0327), DEI requests the commission's approval to surrender its COA.² In support of its request, DEI represents:

DEI's current financial reports (for calendar year 2007) were submitted to the Commission on May 19, 2008. Once DEI's financial reports are completed for calendar year 2008, DEI will also submit those to the Commission. In addition, DEI is current with all applicable public utility fees, and will submit its public utility fees for calendar year 2008 at the appropriate time in 2009. In Decision and Order 23832, the Commission recognized that the customer notification requirements of HAR § 6-80-123 were inapplicable to DEI's services since DEI's services can be used by any person at any time by dialing a specified access code prior to making a telephone call and DEI has no knowledge of the identity of the persons who utilize its services. Therefore, the customer notification requirements of HAR § 6-80-123 are inapplicable to the cancellation of DEI's COA.

DEI's letter, dated December 30, 2008, at 1-2 (citation omitted).

On September 14, 2009, DEI: (1) substantially complied with the commission's directive to file its outstanding annual financial reports; and (2) paid its applicable public utility fees.³

¹Docket No. 2007-0058, Decision and Order No. 23832, at 1.

²DEI served a copy of its letter upon the DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS, DIVISION OF CONSUMER ADVOCACY ("Consumer Advocate"), an ex officio party to this proceeding, pursuant to Hawaii Revised Statutes § 269-51 and Hawaii Administrative Rules ("HAR") § 6-61-62(a).

³See Commission's letter, dated August 31, 2009; and DEI's reply letter, dated September 8, 2009. On September 14, 2009,

II.

Discussion

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[.]

The commission: (1) approves the voluntary surrender of DEI's COA; and (2) waives as inapplicable the customer notification requirement set forth in HAR § 6-80-123(a).

III.

Orders

THE COMMISSION ORDERS:

1. DEI's request to surrender its COA to provide resold intrastate telecommunications services is approved, effective from the date of this Order.


the commission received DEI's remaining payment for the public utility fee.

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

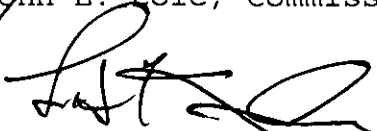
3. This docket is closed unless ordered otherwise by the commission.

DONE at Honolulu, Hawaii SEP 17 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

2008-0327.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
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DIVISION OF CONSUMER ADVOCACY
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