

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Transmittal of)
 HAWAIIAN TELCOM, INC.)
)
Revisions to Intrastate P.U.C.)
Tariff 20.)
_____)

TRANSMITTAL NO. 09-13

ORDER AMENDING HAWAIIAN TELCOM, INC.'S
LOCAL EXCHANGE INTRASTATE TARIFF 20

FILED
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PUBLIC UTILITIES
COMMISSION

telecommunications services.¹ Consistent with the Commission's Approval Order, Hawaiian Telcom, on September 30, 2009, filed its revised Local Exchange Intrastate Tariff 20, as approved by the commission.

On October 1, 2009, tw telecom of Hawaii, L.P. ("tw telecom"), a competitive telecommunications carrier, filed its Motion for Investigation of Tariff and/or for Modification of Order Approving Hawaiian Telcom, Inc.'s Transmittal No. 09-13 ("Motion for Modification"). By its motion, tw telecom seeks further revisions to Hawaiian Telcom's Local Exchange Intrastate Tariff 20 for clarity purposes.

On October 8, 2009, Hawaiian Telcom filed its Statement in Response to tw telecom's Motion for Modification ("Response"), stating that: (1) tw telecom's Motion is inappropriate and an abuse of process; and (2) tw telecom's proposed modifications are unnecessary. Nonetheless, recognizing that tw telecom's proposed modifications appear consistent with the purpose and intent of the revisions to Local Exchange Intrastate Tariff 20 that were approved by the commission, Hawaiian Telcom does not object at this time to the commission requiring the incumbent telecommunications carrier to revise its Local Exchange Intrastate Tariff 20 to include tw telecom's proposed modifications should the commission find that such modifications are consistent with the public interest. Hawaiian Telcom further

¹Order Approving Hawaiian Telcom, Inc.'s Transmittal No. 09-13, filed on September 28, 2009 ("Approval Order").

states that tw telecom "should be required to file a tariff to conform its current tariffs to the requirements of Act 180 and to use the language that it has proposed in its Motion[.]"²

II.

Discussion

Consistent with the public interest of seeking further clarity with respect to Hawaiian Telcom's implementation of Act 180, the commission grants tw telecom's Motion for Modification, and thus, amends the incumbent telecommunications carrier's Local Exchange Intrastate Tariff 20 to read as follows:³

Hawaiian Telcom is authorized to charge up to the rates and/or charges contained in this section for the applicable service. Appendix B [may] **shall** contain current specific applicable rates, charges, bundled services offerings and terms and conditions for, or involving, the applicable service **to the extent that they differ from the rates, charges, bundled offerings and terms and conditions contained in this section,** which is effective upon filing with the Commission, pursuant to Act 180 Session Laws of Hawaii 2009 (SLH 2009).

III.

Orders

THE COMMISSION ORDERS:

1. tw telecom's Motion for Modification, filed on October 1, 2009, is granted.

²Hawaiian Telcom's Response, at 5-6.

³Deletions are bracketed, additions are underscored.

2. Hawaiian Telcom's Local Exchange Intrastate Tariff 20 is amended to read as follows, effective from the date of this Order:

Hawaiian Telcom is authorized to charge up to the rates and/or charges contained in this section for the applicable service. Appendix B shall contain current specific applicable rates, charges, bundled services offerings and terms and conditions for, or involving, the applicable service to the extent that they differ from the rates, charges, bundled offerings and terms and conditions contained in this section, which is effective upon filing with the Commission, pursuant to Act 180 Session Laws of Hawaii 2009 (SLH 2009).

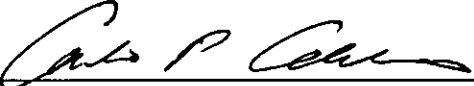
3. The commission reserves the right at any time to review and modify Hawaiian Telcom's Local Exchange Intrastate Tariff 20, including Appendix B.

4. Hawaiian Telcom shall promptly file its revised Local Exchange Intrastate Tariff 20, with the applicable issued and revised effective dates.

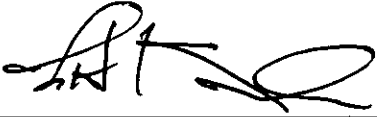
5. Hawaiian Telcom's failure to comply with the requirement noted in Ordering Paragraph No. 4, above, may constitute cause to void this Order, and may result in further regulatory action as authorized by State law.

DONE at Honolulu, Hawaii NOV 10 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

Tariff Transmittal 09-13.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:

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