

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, 2008)
through June 30, 2009.)
_____)

DOCKET NO. 2008-0089

ORDER NO. 24226

DIV. OF PROSECUTOR ADVOCACY
DEPT. OF SCIENCE AND
CONSUMER AFFAIRS
STATE OF HAWAII

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Karen Higost.
Chief Clerk of the Commission

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OF THE STATE OF HAWAII

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Docket No. 2008-0089
Order No. 24226

ORDER

By this Order, the commission initiates an investigation to examine whether to modify the current Telecommunications Relay Services ("TRS") carrier contribution factor and fund size for the period July 1, 2008 to June 30, 2009 (the "Period"). The TRS carrier contribution factor and fund size were initially established in accordance with Order No. 20193, filed on May 23, 2003, in Docket No. 03-0058 ("Order No. 20193"),¹ and updated by Order No. 21049, filed on June 10, 2004, in Docket No. 04-0070 ("Order No. 21049"), by Order No. 21847, filed on May 31, 2005, in Docket No. 05-0088

¹In Docket No. 03-0058, the commission selected Sprint Communications Company, L.P. ("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 ("Order No. 20163"); Order No. 20193. By Order No. 22438, filed on May 1, 2006, in Docket No. 03-0058 ("Order No. 22438"), 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.

("Order No. 21847"), by Order No. 22464, filed on May 12, 2006, in Docket No. 2006-0126 ("Order No. 22464"), and by Order No. 23481, filed on June 7, 2007, in Docket No. 2007-0113 ("Order No. 23481").

The commission proposes to continue the existing carrier contribution factor of 0.0008, established by Order No. 23481. In addition, the commission proposes a fund size of approximately \$332,103, which represents an approximate four-month operating reserve for the fund. Written comments concerning these proposals will be accepted until May 30, 2008.

I.

Investigation

Order No. 20193, among other things, required every telecommunications carrier providing intrastate telecommunications service in Hawaii to contribute to the TRS fund on the basis of gross operating revenue from the retail provision of intrastate telecommunications services during the preceding calendar year.² A carrier's contribution to the TRS fund is a product of its gross operating revenues from the retail provision of intrastate telecommunications services during the preceding calendar year and a contribution factor determined annually by the commission, consistent with the terms of Order No. 20193.

²The commission explicitly excluded payphone providers from contributing to the TRS fund.

Accordingly, consistent with the terms of Order No. 20193, and pursuant to Hawaii Administrative Rules ("HAR") § 6-61-71,³ the commission will institute an investigation of the annual TRS contribution factor and fund size for the Period. For the same reasons stated in Order No. 20067, filed on March 7, 2003, in Docket No. 03-0058, the commission concludes that the Division of Consumer Advocacy, Department of Commerce and Consumer Affairs ("Consumer Advocate") and Sprint should be made parties to this proceeding.

II.

Proposals

A.

Proposed Carrier Contribution Factor

Pursuant to Decision and Order No. 20163 and Order No. 22438, Sprint provided statewide TRS at a flat rate of \$1.90 per session minute, with a monthly recurring charge of \$34,000, for the two-year period commencing July 1, 2006 and ending on June 30, 2008. On March 4, 2008, the commission selected Sprint to continue providing TRS services from July 1, 2008 to June 30, 2011 at the same flat rate of \$1.90 per session minute, with a monthly recurring charge of \$38,000 per month.

Sprint is projecting a monthly average of 10,643 intrastate minutes and 14,510 CapTel Relay Service

³HAR § 6-61-71 allows the commission to investigate any matters subject to its jurisdiction.

("CapTel")⁴ minutes for the Period, resulting in \$85,790.70 per month, or \$1,029,488 annually in disbursements to Sprint.

To calculate the proposed contribution factor, the estimated payments to Sprint of \$1,029,488 were reduced by \$510,288, which is part of the surplus from the TRS fund balance,⁵ resulting in an additional fund requirement of \$519,200. The additional fund requirement was divided by the total projected 2008-2009 gross intrastate retail revenues of \$649,000,000 to arrive at a contribution factor of 0.0008. Based on the above, the commission proposes to maintain the existing carrier contribution factor established by Order No. 23481.

B.

Proposed TRS Fund Size

The commission proposes keeping in reserve approximately \$332,103, representing an approximate four-month operating reserve in the fund. The TRS fund is the sole source of funding for this service. Thus, the commission must be able to address any unexpected growth in TRS usage, delinquencies and bankruptcies of any telecommunications carrier and any other unexpected event that may occur.

⁴CapTel is a form of TRS that utilizes specialized equipment and voice-to-text technology to provide relay services.

⁵The projected total TRS fund balance, as of July 1, 2008, is \$842,391.

C.

Proposed Minimum Payment and Payment Plans

The proposed minimum payment would remain at \$8.00. Under the commission's proposal, carriers reporting \$10,000 or less in gross intrastate retail revenues would pay \$8.00. Carriers reporting \$1,500,000 or more in gross intrastate retail revenues would be allowed to make twelve (12) equal monthly payments. Carriers reporting less than \$1,500,000 in gross intrastate retail revenues would make one annual payment by July 26, 2008.

III.

Orders

THE COMMISSION ORDERS:

1. A proceeding is instituted to investigate the TRS carrier contribution factor and fund size for the Period (July 1, 2008 through June 30, 2009). The Consumer Advocate and Sprint shall be parties to this proceeding.

2. Written comments to the proposals described in this order will be accepted until May 30, 2008.

DONE at Honolulu, Hawaii MAY 14 2008.

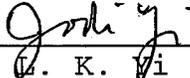
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By: 
John E. Cole, Commissioner

By: 
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:


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TR8 Order.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 24226 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

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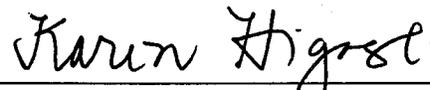
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