EXTENDING SUSPENSION OF TERMINATION OR DISCONNECTION OF REGULATED UTILITY SERVICES DUE TO NON-PAYMENT AND/OR ASSESSMENT OF OTHER CHARGES THROUGH AUGUST 31, 2020
BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

-------In the Matter of-------

PUBLIC UTILITIES COMMISSION

Letter Request from the Consumer Advocate for Commission Suspension of Authority of Regulated Companies to Terminate or Disconnect Services Due to Non-Payment and/or Assessment of Unreasonable Charges or Fees During the COVID-19 Pandemic

ORDER NO. 37251

EXTENDING SUSPENSION OF TERMINATION OR DISCONNECTION OF REGULATED UTILITY SERVICES DUE TO NON-PAYMENT AND/OR ASSESSMENT OF OTHER CHARGES THROUGH AUGUST 31, 2020

By Order No. 37125, filed on May 4, 2020, Order No. 37153, filed on May 28, 2020, and Order No. 37189, filed on June 26, 2020, the Commission determined that “based on

1Order No. 37125 (Non-Docketed), “Addressing the Consumer Advocate’s Request for Suspension of Termination or Disconnection of Regulated Utility Services Due to Non-Payment and/or Assessment of Other Charges During the COVID-19 Pandemic,” filed on May 4, 2020 (“Order No. 37125”).

2Order No. 37153 (Non-Docketed), “Extending Suspension of Termination or Disconnection of Regulated Utility Services Due To Non-Payment and/or Assessment of Other Charges Through June 30, 2020,” filed on May 28, 2020 (“Order No. 37153”).

3Order No. 37189 (Non-Docketed), “Extending Suspension of Termination or Disconnection of Regulated Utility Services Due To
the extraordinary circumstances related to COVID-19, and on the Commission’s expedited investigation into this matter[,]” "all Commission-regulated electric, gas, telecommunications, water, and wastewater public utilities in the State of Hawaii (“Utilities,” or “Utility,” individually) shall suspend disconnections of electricity, gas, telecommunications, water, and wastewater services during the pendency of the Governor’s Emergency Proclamation until otherwise ordered by the Commission.” 4 The Commission also suspended, pending further orders, any and all rules and provisions of individual utility tariffs that prevent or condition re-connection of disconnected customers. 5

The Commission previously authorized each of these Utilities to establish regulatory assets to record costs resulting from the suspension of disconnections. The Commission also stated that in future proceedings it would consider whether each Utility's request for recovery of these regulatory assets is reasonable and necessary, as well as issues including the appropriate period of recovery for the approved amount of regulatory assets, any amount

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4 Order No. 37125 at 4, 7.
5 Order No. 37125 at 4.
of carrying costs thereon, any savings directly attributable to suspension of disconnects, and other related matters.\textsuperscript{6}

1. By this Order, the Public Utilities Commission ("Commission") extends, through August 31, 2020, its (1) suspension of disconnections of electricity, gas, telecommunications, water, and wastewater services, and (2) suspension of any and all rules and provisions of individual utility tariffs that prevent or condition re-connection of disconnected customers.\textsuperscript{7}

\textsuperscript{6}Order No. 37125 at 5; Order No. 37153 at 2; Order No. 37189 at 2. See also Non-Docketed Letter From: Division Of Consumer Advocacy Re: "Commission Investigation to Address COVID-19 Impacts on Consumers and Regulated Companies - Order No. 37189 Extending Suspension Of Termination Or Disconnection Of Regulated Utility Services Due To Non-Payment And/Or Assessment Of Other Charges Through July 31, 2020," filed on July 24, 2020 ("CA Letter"). The Commission notes that the CA Letter contains several recommendations that it suggests the Commission adopt regarding addressing non-payment of utility bills once the disconnection suspension is lifted in the future (CA Letter at 3). The Commission intends to address the Division of Consumer Advocacy’s recommendations in future orders.

2. Any Utility that booked regulatory assets consistent with the authorization provided in Order Nos. 37125,\(^8\), 37153,\(^9\) or 37189,\(^{10}\) or that did not previously book regulatory assets pursuant to those Orders but now chooses to do so pursuant to the authorization provided in this Order, shall file a short report (1-2 pgs.) with the Commission by August 24, 2020, regarding the Utility’s financial condition.\(^{11}\)

3. The Commission reiterates its statement from Order No. 37125 that Utilities should strongly consider offering payment plans or other reasonable arrangements to customers once the suspension of disconnections or terminations of service are lifted.

\(^{8}\)Order No. 37125 at 5-6.

\(^{9}\)Order No. 37153 at 3.

\(^{10}\)Order No. 37189 at 4.

\(^{11}\)The Commission issued non-docketed Protective Order No. 37141 to govern a Utility’s filing of any confidential financial or business information included in these reports and the reports detailed in Paragraph 5, below, provided that, consistent with UIPA, all information for which a Utility claims confidentiality is supported by a description that: (1) identifies in reasonable detail the information’s source, character, and location; (2) states clearly the basis for the claim of confidentiality; and (3) describes, with particularity, the cognizable harm to the filing party from any misuse or unpermitted public disclosure of the information, which the Commission will review.
4. The Commission also encourages Utilities not to charge customers interest on past due payments, or impose any late payment fees, through August 31, 2020.

5. In recognition of the ongoing uncertainty surrounding the COVID-19 Emergency, the Commission also authorizes utilities that elect to suspend disconnections beyond August 31, 2020, to book regulatory assets related to the costs associated with that suspension, through October 1, 2020. The utility should provide details regarding the length of its suspension and other information consistent with the following paragraph (Paragraph No. 6) regarding quarterly reporting.

6. Any Utility that books regulatory assets consistent with the authorization provided in either Order Nos. 37125, 37153, 37189, or this Order, must file a quarterly report,\(^{12}\) detailing the amounts of the costs incurred and any savings realized, which have been booked to the regulatory assets. These quarterly reports should include: a) updated information regarding the Utility’s financial condition, and b) a list of the measures the Utility has

\(^{12}\)Order Nos. 37125 and 37153 previously stated that the quarterly reports were due on July 30, 2020, which Order No. 37189 amended to July 31, 2020. The Commission sets a deadline of October 30, 2020, for the first quarterly report for any Utility that books regulatory assets pursuant to the authorization granted in the instant Order. For any Utilities that previously began booking regulatory assets pursuant to Order Nos. 37125, 37153, and/or 37189, and that filed quarterly reports on July 31, 2020, the next quarterly report is due on October 30, 2020.
in place to assist its customers during the COVID-19 emergency situation. A Utility should inform the Commission in its quarterly reports if a previously-reported upon measure the Utility had in place to assist customers has since been terminated, as well as a short description of the Utility’s rationale for the termination of that measure.  

7. This Order shall not affect a Utility’s ability to disconnect a customer’s service for public safety concerns unrelated to non-payment of services.

8. The Commission also emphasizes that customers should continue paying their bills to the extent possible during this time, noting that customers will still ultimately be responsible for paying Utility service billings accrued during this suspension.

9. If a Utility subject to this Order maintains a website, such Utility shall provide notice of this Order’s content on such website, and in any other prominent place that the Utility finds will help inform its customers.

THE COMMISSION ORDERS:

1. Based on the extraordinary circumstances related to COVID-19, and on the Commission’s further expedited investigation into this matter, there is good cause to extend the suspension of

13See Order No. 37125 at 6, Order No. 37153 at 4, and Order No. 37189 at 5.
disconnection of service originally set forth in Order Nos. 37125, 37153, and 37189 until August 31, 2020, as set forth herein.

2. The Commission also authorizes utilities that elect to suspend disconnections beyond August 31, 2020, to book regulatory assets related to the costs associated with that suspension, through October 1, 2020.

3. Any Utility that books regulatory assets consistent with the authorization provided in either Order Nos. 37125, 37153, 37189, or this Order, must file a quarterly report as set forth above, detailing the amounts of the costs incurred and any savings realized, which have been booked to the regulatory assets, as set forth herein.


PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By James P. Griffin, Chair

By Jennifer M. Potter, Commissioner

APPROVED AS TO FORM:

By Leodoloff R. Asuncion, Jr., Commissioner

Noa K. Ching
Commission Counsel

Non-Docketed
CERTIFICATE OF SERVICE

Pursuant to Order No. 37043, the foregoing order was served on the date of filing by electronic mail addressed to the following parties:

DEAN NISHINA
EXECUTIVE DIRECTOR
DEPARTMENT OF COMMERCE AND
CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
dnishina@dcca.hawaii.gov

KEVIN M. KATSURA
DIRECTOR, REGULATORY NON-RATE
PROCEEDINGS
HAWAIIAN ELECTRIC COMPANY, INC.
HAWAI'I ELECTRIC LIGHT COMPANY,
INC.
MAUI ELECTRIC COMPANY, INC.
kevin.katsura@hawaiianelectric.com

BRANDEE HOLT
REGULATORY AFFAIRS MANAGER
KAUAI ISLAND UTILITY COOPERATIVE
BHolt@kiuc.coop

TOM KOBASHIGAWA
DIRECTOR, REGULATORY AFFAIRS
THE GAS COMPANY, LLC
dba HAWAI'I GAS
skobashi@hawaiigas.com

STEVEN P. GOLDEN
HAWAIIAN TELCOM, INC.
steven.golden@hawaiiantel.com

JANICE L. ONO
AREA MANAGER — REGULATORY
AT&T CORP.
Janice.Ono@att.com

MARY GARRIS
LEVEL 3 COMMUNICATIONS, LLC
mary.garris@centurylink.com

BREANNE KAHALEWAI
PRESIDENT
SANDWICH ISLES COMMUNICATIONS,
INC.
abbyt@sandwichisles.com

JOSEPH O'HARA,
ASSISTANT TREASURER
COMMON POINT LLC
regulatoryaffairs@anpisolutions.com

DANIEL MELDAZIS
ONVOY, LLC
taxdepartment@inteliquent.com

ANDREW M. LANCASTER
MANAGER
SPRINT COMMUNICATIONS COMPANY
L.P.
Andy.M.Lancaster@sprint.com
MIKE METHVIN
TAX DIRECTOR
SPOK, INC.
matt.ford@spok.com

KATHLEEN GOREY, REGULATORY MANAGER
BCN TELECOM, INC. (FACILITIES-BASED)
kgorey@bcntele.com

ROBERT CLEARY
VICE PRESIDENT
800 RESPONSE INFORMATION SERVICES LLC
bcleary@800response.com

JACOB PETROSKY
MANAGER
808PHONE.COM LLC
jacob@808phone.com

SCOTT ALLEN
CHIEF FINANCIAL OFFICER
ACCESSLINE COMMUNICATIONS CORPORATION
dba VOICE TELCO SERVICES
sdesgrousilliers@intermedia.net

ACN COMMUNICATIONS SERVICES, LLC
mark@csilongwood.com

JOSEPH T. KOPPY
CHIEF FINANCIAL OFFICER
AFFINITY NETWORK INCORPORATED
jrenneker@nos.com

TAMMY FERBER
CONTROLLER
AMERIVISION COMMUNICATIONS, INC.
tferber@affinity4.com

ANDRE SIMONE
CHIEF FINANCIAL OFFICER
AIRUS, INC.
asimone@intelepeer.com

JOSEPH O'HARA
CHIEF FINANCIAL OFFICER
ANPI, LLC
johara@anpisolutions.com

JUDITH A RILEY
ANPI BUSINESS, LLC
iriley@telecompliance.net

KATHLEEN GOREY
REGULATORY MANAGER
BCN TELECOM, INC. (COA)
kgorey@bcntele.com

LISA JILL FREEMAN
VP & REGULATORY COMPLIANCE OFFICER
BANDWIDTH.COM CLEC, LLC
ljfreeman@bandwidth.com

REBECCA WEST
STAFF MANAGER
BROADVIEW NETWORKS, INC.
becky.west@windstream.com
SUSAN RAPINZ  
REGULATORY MANAGER  
BROADVOX-CLEC, LLC  
info@inteserra.com

KATE O'CONNOR  
CHIEF FINANCIAL OFFICER  
BUEHNER-FRY, INC.  
MBCoker@TheNavisWay.com

MARY GARRIS  
CENTURYLINK COMMUNICATIONS, LLC  
mary.garris@centurylink.com

JEFF KORN  
CHIEF LEGAL OFFICER  
CREXENDO BUSINESS SOLUTIONS, INC.  
jkorn@storesonline.com

DAVID H. BARKSDALE  
CHIEF FINANCIAL OFFICER  
CUSTOM TELECONNECT, INC.  
bperna@customteleconnect.com

MENDEL BIRNBAUM  
VICE PRESIDENT  
DYNALINK COMMUNICATIONS, INC.  
mendel@dynamlinktel.com

MARY GARRIS  
BROADWING COMMUNICATIONS, LLC  
mary.garris@centurylink.com

GINO CAPOZZI  
TAX AND REGULATORY COMPLIANCE MANAGER  
CALLCATCHERS INC.  
dba FREEDOMVOICE SYSTEMS  
compliance@freedomvoice.com

WENDY HEE  
PRESIDENT  
CLEARCOM, INC.  
abbyt@sandwichisles.com

JOSEPH A. NICOTRA  
PRESIDENT  
CONSUMER TELCOM, INC.  
abloom@idxx.com

FERNANDA BIEHL  
CROWN CASTLE NG WEST LLC  
PUC.Correspondence@crowncastle.com

REBECCA WEST  
STAFF MANAGER  
DELTACOM, LLC  
dba EARTHLINK BUSINESS I  
becky.west@windstream.com

ROBERT MOCAS  
PRESIDENT  
EASTON TELECOM SERVICES, LLC  
smacke@eastontelesocom.com

GINA LAWRENCE  
eNETWORKS, LLC  
gina.lawrence@essentia-inc.com
Certificate of Service
Page 4

DANIEL I. TIMM
CHIEF FINANCIAL OFFICER
EX TEN E NET S YSTEMS, INC.
compliance@util.extenetsystems.com

JOSEPH TOPEL
REGULATORY MANAGER
FRANCE TELECOM CORPORATE SOLUTIONS L.L.C. (COA)
joe.topel.ext@orange.com

ELENA THOMASSON
FUSION CLOUD SERVICES, LLC
elena.thomasson@fusionconnect.com

MARY GARRIS
GLOBAL CROSSING TELECOMMUNICATIONS, INC.
mary.garris@centurylink.com

GINO CAPOZZI
GODADDY.COM, LLC
gcapozzi@godaddy.com

JESSICA MATUSHEK
DIRECTOR ACCOUNTING
FRONTIER COMMUNICATIONS OF AMERICA, INC.
jessica.matushek@ftr.com

DAN KARDATZKE
CHIEF FINANCIAL OFFICER
GC PIVOTAL, LLC
regulatory@globalcapacity.com

GLOBAL TEL*LINK CORPORATION
scockerham@telecompliance.net

JOHN PRINNER
GRANITE TELECOMMUNICATIONS, LLC
taxdept@granitenet.com

BRIAN KENNEY
GRASSHOPPER GROUP, LLC
brian.kenney@logmein.com

JARED GRUGETT
PRESIDENT
HAWAII DIALOGIX TELECOM, LLC
jgrugett@hawaiidt.com

CARL BILLEK
SENIOR REGULATORY COUNSEL
IDT AMERICA, CORP.
carl.billek@idt.net

KEN DAWSON
DIRECTOR
INMATE CALLING SOLUTIONS, LLC
dba ICSOLUTIONS
scastillo@icsolutions.com

JEFF GIANNANTONIO
FIRST COMMUNICATIONS, LLC
jgiannantonio@firstcomm.com
Certificate of Service
Page 5

MIKE CUMPTON
CONTROLLER
INTELLICALL OPERATOR SERVICES, INC.
mark@csilongwood.com

RICHARD JOHNSON
MANAGER, REGULATORY AFFAIRS
INTRADO SAFETY COMMUNICATIONS, INC.
regulatory.safetyservices@intrad o.com

MARY GARRIS
LEVEL 3 COMMUNICATIONS, LLC
mary.garris@centurylink.com

JOHN NELSON, PRESIDENT
HAMILTON RELAY, INC.
john.nelson@hamiltontel.com

THOMAS PAOLUCCI
CONTROLLER
HAWAIIAN TELCOM SERVICES COMPANY, INC. (COA)
Tom.Paolucci@cinbell.com

INCONTACT, INC.
compliance@niceincontact.com

CINDY FOSTER
DIRECTOR
INTELLETRACE, INC.
support@intelletrace.com

LESLEE BACH, TAX ACCOUNTANT
INTERNATIONAL TELECOM, LTD.
leslieb@kall8.com

LEGACY LONG DISTANCE
INTERNATIONAL, INC.
dba LEGACY INMATE
COMMUNICATIONS
brian@edovo.com

ALEX VALENCIA
VICE PRESIDENT OF COMPLIANCE &
REGULATORY AFFAIRS
LINGO TELECOM OF THE WEST, LLC
dba BIRCH COMMUNICATIONS
alex.valencia@lingo.com

SHANNON BROWN
MCI COMMUNICATIONS SERVICES, INC.
dba VERIZON BUSINESS SERVICES
shannon.brown@verizon.com

RALPH DICHI
DIRECTOR OF TAX AFFAIRS
METROPOLITAN TELECOMMUNICATIONS
OF HAWAI, INC.
dba METTEL
rdichy@mettel.net

KAREN HYDE
MOBILITIE, LLC
kmh@compliancegroup.com

JIM MCCABE
VICE PRESIDENT OF OPERATIONS
NETWORK INNOVATIONS, INC.
dba NITEL
jriley@telecompliance.net

DANIEL MELDAZIS
NEUTRAL TANDEM-HAWAII, LLC
taxdepartment@inteliquent.com
Certificate of Service
Page 6

ALEX VALENCIA
VICE PRESIDENT
MATRIX TELECOM, LLC
dba MATRIX BUSINESS TECHNOLOGIES,
dba TRINSIC COMMUNICATIONS,
dba VARTEC TELECOM,
dba EXCEL TELECOMMUNICATIONS,
dba CLEAR CHOICE COMMUNICATIONS
alex.valencia@lingo.com

SHANNON BROWN
MCI METRO ACCESS TRANSMISSION SERVICES, LLC
dba VERIZON ACCESS TRANSMISSION SERVICES
shannon.brown@verizon.com

KAREN HYDE
MOBILITY MANAGEMENT, LLC
kmh@commpliancegroup.com

WILLIAM L. POPE
PRESIDENT
NETWORK COMMUNICATIONS INTERNATIONAL CORP.
dba NCIC INMATE COMMUNICATIONS
stephanie.jackson@ncic.com

AMANDA HUTCHISON HARRIS
REGULATORY COMPLIANCE OFFICER
NETWORKIP, LLC
regulatory@networkip.net

GLEN NELSON
VICE PRESIDENT
NEW HORIZONS COMMUNICATIONS CORP.
gnelson@nhcgrp.com

SUSAN ORNSTEIN
NEXTGEN COMMUNICATIONS, INC.
SST-Compliance@comtechtel.com

JOSEPH T. KOPPY
CHIEF EXECUTIVE OFFICER
NOS COMMUNICATIONS, INC.
jrenneker@nos.com

MARK LEAFSTEDT
CHIEF EXECUTIVE OFFICER
OPEX COMMUNICATIONS, INC.
dba TCI LONG DISTANCE
regulatory@opexld.com

SHARON E. PORTER
PNG TELECOMMUNICATIONS, INC.
dba POWERNET GLOBAL COMMUNICATIONS
dba CROSSCONNECT
tax@powernetco.com

INNA VINOGRAOV
QUANTUMSHIFT COMMUNICATIONS, INC.
dba VCOM SOLUTIONS
inna@icommlaw.com

THOMAS P. MARGAVIO
SBC LONG DISTANCE, LLC
dba SBC LONG DISTANCE
dba AT&T LONG DISTANCE
tm5886@att.com

RICHARD ZHENG
PRESIDENT
SERVPAC INCORPORATED
rzheng@servpac.com
Certificate of Service
Page 7

TODD LESSER
PRESIDENT
NORTH COUNTY COMMUNICATIONS CORPORATION
nccpuc@nccom.com

OPERATOR SERVICE COMPANY, LLC
regcompliance@telecompliance.net

JOHN DAY
PRESIDENT
PACIFIC DATA SYSTEMS
dba NEXGEN NETWORK SERVICES
john@pdsguam.com

PUBLIC COMMUNICATIONS SERVICES, INC.
scockerham@telecompliance.net

DAVID RODMAN
PRESIDENT
RED ROAD TELECOM, LLC
david@redroad.com

MICHAE L S.J. LOZICH
CORPORATE COUNSEL
DIRECTOR OF REGULATORY & GOVT. AFFAIRS
SECURUS TECHNOLOGIES, INC.
mlozich@securustechnologies.com

SXF, LLC
nbournakel@tilsontech.com

REBECCA WEST
TALK AMERICA, INC.
dba CAVALIER TELEPHONE
dba PAETEC BUSINESS SERVICES
becky.west@windstream.com

B ARBARA MONTE
TELEPORT COMMUNICATIONS AMERICA, LLC
bm2571@att.com

SUSAN COCKERHAM
TIME CLOCK SOLUTIONS, LLC
scockerham@telecompliance.net

HEATHER DOBSON
TIME WARNER CABLE INFORMATION SERVICES (HAWAII), LLC
dba TIME WARNER CABLE
heather.dobson@charter.com

ROBERT YOUNG
PRESIDENT
U.S. TELECOM LONG DISTANCE, INC.
abloom@ldxx.com

SUSAN COCKERHAM
VELOCITY THE GREATEST PHONE COMPANY EVER, INC.
scockerham@telecompliance.net

VERIZON LONG DISTANCE LLC
dba VERIZON LONG DISTANCE
regacct@verizon.com

JANE OMAN
TDS LONG DISTANCE CORPORATION (COA)
finance@tdstelecom.com

DAVID ALDWORTH
PRESIDENT
TELIAX, INC.
daldworth@teliax.com
Certificate of Service
Page 8

HEATHER DOBSON
TIME WARNER CABLE BUSINESS LLC
heather.dobson@charter.com

MARK LEAFSTEDT
CEO
TOTAL HOLDINGS INC.
   dba GTC COMMUNICATIONS
   legal@mygtc.com

SUSAN COCKERHAM
VALUE-ADDED COMMUNICATIONS, INC.
   scockerham@telecompliance.net

PATRICE DEMARCO
VERIZON HAWAII INTERNATIONAL, INC.
   patrice.demarco@verizon.com

DEISY CARRERA
VERIZON SELECT SERVICES, INC.
   deisy.carrera@verizon.com

KEITH CUMMINGS, VP
VOICECOM TELECOMMUNICATIONS, LLC
   mark@csilongwood.com

ANDREW NICKERSON
DIRECTOR
WIDE VOICE, LLC
   erlae@widevoice.com

WIMACTEL, INC.
   dba INTELLECTICAL OPERATOR
   SERVICES OF NORTH AMERICA
   jmackenzie@wimactel.com

JANICE CRUMP
CHIEF FINANCIAL OFFICER
WORKING ASSETS FUNDING SERVICE, INC.
   dba CREDO LONG DISTANCE
   compliance@wafs.com

SHARON ADAMS
GOVERNMENT RELATIONS ANALYST
XO COMMUNICATIONS SERVICES, LLC
   sharon.e.adams@verizon.com

THOMAS PAOLUCCI
CONTROLLER
WAVECOM SOLUTIONS CORPORATION
   Tom.Paolucci@cinbell.com

MARY GARRIS
WILTEL COMMUNICATIONS, LLC
   mary.garris@centurylink.com

REBECCA WEST
WINDSTREAM COMMUNICATIONS, LLC
   becky.west@windstream.com

MARK PAVOL
X2COMM, INC.
   dba DC COMMUNICATIONS
   mark@x2comm.com

MARK PAVOL
REGULATORY MANAGER
YMAX COMMUNICATIONS CORP.
   regulatory@ymaxcorp.com

ACCESS POINT, INC.
   mike.winston@gtt.net
<table>
<thead>
<tr>
<th>Name</th>
<th>Company</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>MARK HAMILTON</td>
<td>AVAYA CLOUD INC.</td>
<td><a href="mailto:markhamilton@avaya.com">markhamilton@avaya.com</a></td>
</tr>
<tr>
<td>BOOMERANG WIRELESS, LLC</td>
<td>dba ENTOUCH WIRELESS</td>
<td><a href="mailto:jrcarter@readywireless.com">jrcarter@readywireless.com</a></td>
</tr>
<tr>
<td>RAYMOND VALME</td>
<td>DIAL WORLD COMMUNICATIONS, LLC</td>
<td><a href="mailto:ray@dialworldcom.com">ray@dialworldcom.com</a></td>
</tr>
<tr>
<td>MARK LAMMERT</td>
<td>FLASH WIRELESS, LLC</td>
<td><a href="mailto:mark@csilongwood.com">mark@csilongwood.com</a></td>
</tr>
<tr>
<td>LANCE STEINHART</td>
<td>GLOBAL CONNECTION INC. OF AMERICA dba STANDUP WIRELESS</td>
<td><a href="mailto:info@telecomcounsel.com">info@telecomcounsel.com</a></td>
</tr>
<tr>
<td>JOHN PRINNER</td>
<td>GRANITE TELECOMMUNICATIONS, LLC (COR)</td>
<td><a href="mailto:taxdept@granitenet.com">taxdept@granitenet.com</a></td>
</tr>
<tr>
<td>CURTIS CHURCH</td>
<td>AMERICAN BROADBAND AND TELECOMMUNICATIONS COMPANY</td>
<td><a href="mailto:cchurch@ambt.net">cchurch@ambt.net</a></td>
</tr>
<tr>
<td>BCN TELECOM, INC. (COR)</td>
<td><a href="mailto:contact@nationwideregulatorycompliance.com">contact@nationwideregulatorycompliance.com</a></td>
<td></td>
</tr>
<tr>
<td>SHANE BRIDGES</td>
<td>CONTROLLER CONSUMER CELLULAR, INCORPORATED</td>
<td><a href="mailto:tax@consumercellular.com">tax@consumercellular.com</a></td>
</tr>
<tr>
<td>ALISON MINEA</td>
<td>DISH WIRELESS L.L.C.</td>
<td><a href="mailto:alison.minea@dish.com">alison.minea@dish.com</a></td>
</tr>
<tr>
<td>JOE TOPEL</td>
<td>REGULATORY MANAGER</td>
<td><a href="mailto:joe.topel@orange.com">joe.topel@orange.com</a></td>
</tr>
<tr>
<td>JARAD BACKLUND</td>
<td>BUSINESS CONTROLLER</td>
<td></td>
</tr>
<tr>
<td>THOMAS PAOLUCCI</td>
<td>CONTROLLER HAWAIIAN TELCOM SERVICES COMPANY, INC. (COR)</td>
<td><a href="mailto:Tom.Paolucci@cinbell.com">Tom.Paolucci@cinbell.com</a></td>
</tr>
<tr>
<td>HELLO MOBILE TELECOM LLC</td>
<td><a href="mailto:reg@qlinkmobile.com">reg@qlinkmobile.com</a></td>
<td></td>
</tr>
<tr>
<td>SAM OLAWAIYE</td>
<td>INREACH INC.</td>
<td><a href="mailto:tax.dept@garmin.com">tax.dept@garmin.com</a></td>
</tr>
<tr>
<td>MASAHIRO FURUYA</td>
<td>EXECUTIVE VP KDDI AMERICA, INC.</td>
<td><a href="mailto:ga@kddia.com">ga@kddia.com</a></td>
</tr>
<tr>
<td>AMY RAY</td>
<td>METROPOLITAN TELECOMS CALIFORNIA, LLC</td>
<td><a href="mailto:Taxops@T-Mobile.com">Taxops@T-Mobile.com</a></td>
</tr>
</tbody>
</table>
GENNARO ISABELLA
SENIOR TAX ANALYST
ONSTAR, LLC
tamika.mayes@gm.com

JOSE L. SOLANA
PRESIDENT
PINNACLE TELECOMMUNICATIONS GROUP, LLC
joe@gsaudits.com

PURETALK HOLDINGS, LLC
mark@csilongwood.com

PAUL LAPIER
IM TELECOM, LLC
da dba INFINITI MOBILE
plapier@infinitimobile.com

LISA WILLIS
K G COMMUNICATIONS, INC.
lisa@kgcomm.net

LUNAR LABS, INC.
info@joinlunar.com

MITEL CLOUD SERVICES, INC. (COR)
scockerham@telecompliance.net

GLENN P. STORY
CHIEF FINANCIAL OFFICER
PATRIOT MOBILE, LLC
gleenn@eoscell.com

RICHARD PELLY
PLINTRON TECHNOLOGIES USA LLC
richardpelly@plintronamericas.com

READY WIRELESS, LLC
da dba AFFINITY CELLULAR
da dba CLUB CELLULAR
jrcarter@readywireless.com

REPUBLIC WIRELESS, INC.
regulatory@republicwireless.com

NATHAN JOHNSON
CHIEF EXECUTIVE OFFICER
SAGE TELECOM COMMUNICATIONS, LLC
da TRUCONNECT
scockerham@telecompliance.net

HEATHER DOBSON
SPECTRUM MOBILE, LLC
taxregulatory@charter.com

STS MEDIA, INC.
da dba FREEDOMPOP
orvin@gsaudits.com

ENRIQUE LANDIVAR
TELEFONICA USA, INC.
enrique.landivar@telefonica.com

ELENA THOMASSON
TEMPO TELECOM, LLC
eleena.thomasson@birch.com

BETH BRANDENSTEIN
THE PEOPLE'S OPERATOR USA, LLC
beth@gsaudits.com

AMANDA GUCICH
ROK MOBILE, INC.
promano@rokmobile.com
Certificate of Service
Page 11

SELECTEL, INC.
dba SELECTEL WIRELESS
oflaherty.matt@gmail.com

DARRIN PFANNENSTIEL, ESQ.
STREAM COMMUNICATIONS, LLC
darrin.pfannenstiel@streamenergy.net

TACHIBANA ENTERPRISES, LLC
eli@tachibana.com

TELRITE CORPORATION
mark@csilongwood.com

EILEEN BAYERS
THE LIGHT PHONE, INC.
eileen@thelightphone.com

CHRISTINA MEYERING
TING INC.
cmeyering@tucows.com

CHESLEY DILLION
VP - CORP. TAX
TRACFONE WIRELESS, INC.
dba SAFELINK WIRELESS
mmontenegro@tracfone.com

GARY JOSEPH
MANAGER
WIMACTEL, INC. (COR)
jmackenzie@goviiz.com

ANDREW M. LANCASTER
MANAGER
VIRGIN MOBILE USA, L.P.
andy.m.lancaster@sprint.com

JONATHON FRANCIS
WING TEL INC.
jonathon@wingalpha.com

SUSAN COCKERHAM
365 WIRELESS LLC
scockerham@telecompliance.net

STEVE DELGADO
CONSULTANT - TAX
CELLCO PARTNERSHIP
dba VERIZON WIRELESS
steve.delgado@gmail.com

GERALD GUARDIOLA
CRICKET WIRELESS LLC
gg009y@att.com

GERALD GUARDIOLA
NEW CINGULAR WIRELESS PCS, LLC
gg009y@att.com

WENDY HEE
PA MAKANI LLC
dba SANDWICH ISLES WIRELESS
wendyh@waimana.com

ANDREW M. LANCASTER
MANAGER
SPRINTCM, INC.
dba SPRINT PCS
andy.m.lancaster@sprint.com

GARY FINKEL
ALLIANT TECHNOLOGIES, L.L.C.
gfinkel@allianttech.com

KIRK IYAMA
COMCAST OTR1, LLC
kirk_iyama@cable.comcast.com
JAMES TATE
GENERAL MANAGER
EXCELLUS COMMUNICATIONS, LLC
jim.tate@seniortechllc.com

MARY T. BULEY
SENIOR REGULATORY MANAGER
ONVOY SPECTRUM, LLC
mary.buley@onvoy.com

ISSA ASAD
Q LINK WIRELESS LLC
issa@qlinkwireless.com

AMY RAY
T-MOBILE WEST LLC
dba T-MOBILE
Amy.Ray@T-Mobile.com

GARY GRINHAM
UVNV, INC.
dba MINT MOBILE
ggrinham@ultra.me

BLAIR ROSENTHAL
ASSISTANT GENERAL COUNSEL
VODAFONE US INC.
blair.rosenthal@vodafone.com

STEVE DELGADO
VISIBLE SERVICE LLC
steve.delgado@verizon.com

THOMAS SELBY, VICE PRESIDENT
ATC MAKENA WWTP SERVICES CORP.
tselby@makenagbc.com

LEE MANSFIELD, MANAGER
SARAH LEEPER, ESQ.
DEMETRIO A. MARQUEZ,
PARALEgal IV
HAWAIi - AMERICAN WATER COMPANY
(HAWAIi KAI OPERATIONS)
lee.mansfield@amwater.com
sarah.leeper@amwater.com
demetrio.marquez@amwater.com

LEE MANSFIELD, MANAGER
SARAH LEEPER, ESQ.
DEMETRIO A. MARQUEZ,
PARALEgal IV
HAWAIi - AMERICAN WATER COMPANY
(MAUNA LANI OPERATIONS)
lee.mansfield@amwater.com
sarah.leeper@amwater.com
demetrio.marquez@amwater.com

ROBERT STOUT
ACCOUNTING MGR.
HAWAIi WATER SERVICE COMPANY,
INC. - PUKALANI WASTEWATER
DISTRICT
rstout@hawaiiwaterservice.com

HOLLY GANDIA
HOH UTILITIES, LLC
holly@mskauai.com

PAULUS SUBRATA
VICE PRESIDENT
KAPALUA WASTE TREATMENT COMPANY
psubrata@mlpmaui.com

JAY M. UYEDA
VP OF DEVELOPMENT
KAUPULEHU WASTE WATER COMPANY
juyeda@hualalairesort.com
**Certificate of Service**

Page 13

<table>
<thead>
<tr>
<th>Name</th>
<th>Position and Company</th>
<th>Email Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>ROBERT STOUT</td>
<td>KEAOUHOU COMMUNITY SERVICES, INC.</td>
<td><a href="mailto:Rstout@hawaiiwaterservice.com">Rstout@hawaiiwaterservice.com</a></td>
</tr>
<tr>
<td>MITCH SILVER</td>
<td>KALAELOA WATER CO., LLC</td>
<td><a href="mailto:alex.dosen@huntcompanies.com">alex.dosen@huntcompanies.com</a></td>
</tr>
<tr>
<td>LINDSAY CRAWFORD</td>
<td>SENIOR MANAGER OF PLANNING &amp; ENGINEERING</td>
<td><a href="mailto:lcrawford@kukuiula.com">lcrawford@kukuiula.com</a></td>
</tr>
<tr>
<td>ROBERT STOUT</td>
<td>ACCOUNTING MANAGER KONA WATER SERVICE COMPANY, INC.</td>
<td><a href="mailto:Rstout@hawaiiwaterservice.com">Rstout@hawaiiwaterservice.com</a></td>
</tr>
<tr>
<td>GARRET TOKUDA</td>
<td>SENIOR VP, FINANCE MANELE WATER RESOURCES, LLC</td>
<td><a href="mailto:gtokuda@pulamalanai.com">gtokuda@pulamalanai.com</a></td>
</tr>
<tr>
<td>BRAD SUIZU</td>
<td>SECRETARY &amp; MANAGER PRINCEVILLE UTILITIES COMPANY, INC.</td>
<td><a href="mailto:bsuizu@princeville.com">bsuizu@princeville.com</a></td>
</tr>
<tr>
<td>LISA M. MARSH</td>
<td>MOSCO, INC.</td>
<td><a href="mailto:tsvetin@molokairanch.com">tsvetin@molokairanch.com</a></td>
</tr>
<tr>
<td>SHARI SAKAMOTO</td>
<td>PUNALU'U WATER &amp; SANITATION CORP.</td>
<td><a href="mailto:shari.sakamoto@robertshawaii.com">shari.sakamoto@robertshawaii.com</a></td>
</tr>
<tr>
<td>JOSEPH GIANNINI</td>
<td>DIRECTOR-HOSPITALITY ACCOUNTING TURTLE BAY WASTEWATER TREATMENT, LLC</td>
<td><a href="mailto:jgiannini@revantage.com">jgiannini@revantage.com</a></td>
</tr>
<tr>
<td>KISAN JO</td>
<td>SOUTH KOHALA WATER CORPORATION</td>
<td><a href="mailto:d.hwang@princehawaii.com">d.hwang@princehawaii.com</a></td>
</tr>
<tr>
<td>ROBERT STOUT</td>
<td>ACCOUNTING MANAGER WAIKOLOA RESORT UTILITIES, INC. dba WEST HAWAII UTILITY COMPANY <a href="mailto:Rstout@hawaiiwaterservice.com">Rstout@hawaiiwaterservice.com</a></td>
<td></td>
</tr>
<tr>
<td>OLIVIA MAKI</td>
<td>HANA WATER SYSTEMS, LLC - SOUTH</td>
<td><a href="mailto:omaki@biologicalcapital.com">omaki@biologicalcapital.com</a></td>
</tr>
<tr>
<td>CANDICE MEYER</td>
<td>WAIMEA WASTEWATER COMPANY, INC.</td>
<td><a href="mailto:mey.c@pri-hi.com">mey.c@pri-hi.com</a></td>
</tr>
<tr>
<td>OLIVIA MAKI</td>
<td>HANA WATERSYSTEMS, LLC - NORTH</td>
<td><a href="mailto:omaki@biologicalcapital.com">omaki@biologicalcapital.com</a></td>
</tr>
<tr>
<td>JOHN K. NEWTON</td>
<td>AQUA PUIHI, LLC</td>
<td><a href="mailto:pswmail@aquaengineers.com">pswmail@aquaengineers.com</a></td>
</tr>
</tbody>
</table>
Certificate of Service
Page 14

ROBERT STOUT
ACCOUNTING MANAGER
HAWAII WATER SERVICE COMPANY, INC. - KAANAPALI OPERATION
Rstout@hawaiiwaterservice.com

KATHERINE DRAGO
PRESIDENT
HAWAIIAN BEACHES WATER COMPANY, INC.
kateprescott78@hotmail.com

PAULUS SUBRATA
VICE PRESIDENT
KAPALUA WATER COMPANY
psubrata@mlpmaui.com

JAY M. UYEDA
VP OF DEVELOPMENT
KAUPULEHU WATER COMPANY
juyeda@hualairesort.com

JOHN R. ORD
CHIEF FINANCIAL OFFICER
KEALIA WATER COMPANY HOLDINGS LLC
kealiamail@aquaengineers.com

TOM HITCH
PRESIDENT
KILAUEA IRRIGATION CO., INC.
tomahitch@earthlink.net

WILLIAM L. MOORE
KRWC CORP. - KOHALA RANCH WATER COMPANY
billmoore@hawaii.rr.com

LANCE K. PAGADOR
LAIE WATER COMPANY, INC.
pagadorl@hawaiireserves.com

GARRET TOKUDA
SENIOR VP, FINANCE
LANAI WATER CO., INC.
gtokuda@pulamalanai.com

GLENN TREMBLE
MANAGER
LAUNIUPOKO IRRIGATION COMPANY, INC.
glenn@westmauiland.com

GLENN TREMBEL
VP OPERATIONS
LAUNIUPOKO WATER COMPANY, INC.
glenn@westmauiland.com

LISA M. MARSH
CONTROLLER
MOLOKAI PUBLIC UTILITIES, INC.
tsvetin@molokairanch.com

TAYLOR MOWER
NORTH SHORE WATER COMPANY, LLC
tmower@kennedywilson.com

GLENN TREMBLE
VP OPERATIONS MANAGER
OLOWALU WATER COMPANY, INC.
glenn@westmauiland.com

ROBERT STOUT
ACCOUNTING MANAGER
WAIKOLOA WATER COMPANY, INC.
dba WEST HAWAII WATER COMPANY
Rstout@hawaiiwaterservice.com

LISA M. MARSH
WAI'OALA O MOLOKAI, INC.
tsvetin@molokairanch.com
Certificate of Service
Page 15

ROBERT E. STRAND, ESQ.
CARLSMITH BALL LLP
rstrand@carlsmith.com

PETER Y. KIKUTA
THOMAS W. WILLIAMS
GOODSILL ANDERSON QUINN & STIFEL LLP
pkikuta@goodsill.com
twilliams@goodsill.com

BRUCE NAKAMURA
JOSEPH A. STEWART
KOBAYASHI SUGITA & GODA
ban@kgslaw.com
jas@kgslaw.com

KRIS N. NAKAGAWA
LIANNA FIGUEROA
MORIHARA LAU & FONG
KNakagawa@moriharagroup.com
lfigueroa@moriharagroup.com

SANDRA-ANN Y.H. WONG
ATTORNEY AT LAW, A LAW CORPORATION
sawonglaw@hawaii.rr.com

DOUGLAS CODIGA
SCHLACK ITO, LLC
dcodiga@schlackito.com

PAMELA J. LARSON
DAVID Y. NAKASHIMA
JEFFREY T. ONO
WATANABE ING LLP
PLarson@wik.com
DNakashima@wik.com
JOno@wik.com

DEAN T. YAMAMOTO
WIL T. YAMAMOTO
CARLITO CALIBOSO
YAMAMOTO CALIBOSO, LLLC
DYamamoto@ychawaii.com
WYamamoto@ychawaii.com
CCaliboso@ychawaii.com
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