

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of
Sandwich Isles Communications, Inc.
Petition for Declaratory Ruling

WC Docket No. 09-133

COMMENTS OF HAWAIIAN TELCOM, INC.

Hawaiian Telcom, Inc. (“HTI”) hereby submits its Comments in response to the Petition for Declaratory Ruling of Sandwich Isles Communications, Inc. (“Sandwich Isles”).¹ HTI takes no position on the relief requested by Sandwich Isles. However, in order for the Federal Communications Commission (“Commission” or “FCC”) to make its decision based on an accurate record, HTI must correct several unsupported statements in the Petition. Therefore, as explained in more detail below, the Commission should consider the following when evaluating Sandwich Isles’s request: (1) HTI has sufficient capacity to meet Sandwich Isles’s needs on all HTI interisland facilities; (2) HTI provides high quality service with redundancy and minimal downtime at reasonable prices; and (3) HTI’s bankruptcy proceeding has not affected the availability or quality of HTI’s services.

HTI has the capacity to serve Sandwich Isles. Sandwich Isles claims that HTI’s facilities have “substantial capacity constraints”² and that HTI “has been denied a video franchise by the

¹ Petition for Declaratory Ruling of Sandwich Isles Communications, Inc., WC Docket No. 09-133 (filed June 26, 2009) (“Petition”).

² Petition at 5.

state because it does not have the capacity to serve all the islands with video.”³ Neither of these claims is accurate. HTI’s Hawaii Interisland Cable System (HICS) is an undersea fiber cable system with bandwidth capacity in excess of 200 Gbps between the islands of Oahu, Maui, Kauai, and the Big Island.⁴ HTI has more than sufficient capacity available on HICS to serve Sandwich Isles current customers on those islands as well as customers Sandwich Isles may add over time.⁵ In addition, HTI serves the islands of Molokai and Lanai using carrier grade microwave facilities and has sufficient capacity on these facilities to serve current and future Sandwich Isles customers.⁶ These facilities allow HTI to provide voice and broadband services. Moreover, HTI’s cable franchise application is pending before the Hawaii Department of Commerce and Consumer Affairs and has not been denied, based on capacity or for any other reason.⁷

HTI offers high quality interisland service with redundancy at reasonable prices.

Sandwich Isles alleges that HTI’s interisland facilities are “obsolete” and do not provide “the necessary capability and service quality.”⁸ This is not the case. As noted above, HTI’s HICS has bandwidth capacity in excess of 200 Gbps connecting Oahu, Maui, Kauai and the Big Island,

³ Petition at 5 n.8.

⁴ Declaration of Daniel K. Masutomi, ¶ 4 (attached hereto as Exhibit 1) (“Masutomi Declaration”).

⁵ Masutomi Declaration, ¶ 6.

⁶ *Id.* ¶¶ 5-6.

⁷ See Letter from Clyde S. Sonobe, Cable Television Administrator, Hawaii Department of Commerce & Consumer Affairs, to John T. Komeiji and Francis K. Mukai, HTI (May 19, 2009) available at http://hawaii.gov/dcca/areas/catv/cable_operators/hawaiian_telcom/ (granting extension for consideration of Application of Hawaiian Telcom Services Company, Inc. For a Cable Franchise).

as well as carrier grade microwave facilities to Molokai and Lanai.⁹ Indeed, in its Petition, Sandwich Isles admits that it currently leases facilities from HTI.¹⁰ Further, HTI has bolstered the reliability of its network through arrangements with other providers to diversify its existing interisland fiber routes for the islands of Oahu, Maui and Hawaii and to utilize alternate fiber facilities for restoration purposes.¹¹ In addition, HTI has backup facilities for critical services transported over the interisland microwave routes for the islands of Molokai and Lanai through diverse paths to Oahu and Maui.¹² Therefore, HTI has backup arrangements for all interisland facilities.

HTI is able to provide its interisland services at reasonable prices pursuant to tariff and interconnection contracts that are compliant with FCC rules, as the attached tariff pages show.¹³ For example, interisland transport between any two islands is \$690 per month (two terminations) for a DS1 and is \$9,000 per month for a DS3.

HTI's bankruptcy proceeding has not affected its service availability or quality. In support of its allegations that HTI's facilities are "obsolete" and have "serious capacity constraints,"¹⁴ Sandwich Isles cites to the fact that HTI is "currently in bankruptcy."¹⁵ Although HTI has voluntarily sought protection of the bankruptcy court pursuant to Chapter 11 of the U.S.

⁸ Petition at 4-5.

⁹ Masutomi Declaration, ¶¶ 4-5.

¹⁰ Petition at 4.

¹¹ Masutomi Declaration, ¶ 7.

¹² *Id.* ¶ 8.

¹³ *See* Exhibit 2.

¹⁴ Petition at 5.

Bankruptcy Code, the company is in the process of reorganization. These proceedings have had no adverse effects on HTI's retail or wholesale services, and Sandwich Isles cannot and does not cite to any such instances. HTI is committed to maintaining its high-quality service offerings. Therefore, HTI's reorganization should not be considered in evaluating the price and quality of HTI's offerings.

HTI appreciates the opportunity to correct these inaccuracies in the record.

Respectfully submitted,

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Assistant General Counsel
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Of Counsel

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August 31, 2009

*Licensed to practice law in the District of Columbia, not licensed in Virginia.

¹⁵ Petition at 5 n.8.

Certificate of Service

I, Suzanne Yelen, do hereby certify that on this 31st day of August, 2009, I have caused a copy of the foregoing “Comments of Hawaiian Telcom, Inc.” to be served by electronic mail upon the following:

Pamela Arluk
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Federal Communications Commission
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/s/ Suzanne Yelen
Suzanne Yelen

Exhibit 1

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of

Sandwich Isles Communications, Inc.

Petition for Declaratory Ruling

WC Docket No. 09-133

DECLARATION OF DANIEL K. MASUTOMI

1. My name is Daniel K. Masutomi. My business address is 1177 Bishop Street. I am currently Director-Network Planning at Hawaiian Telcom, Inc. ("HTI").
2. As Director-Network Planning, I am responsible for developing the short and long range network evolution plans and capacity and traffic relief plans for HTI's telecommunications network. My responsibilities include conducting technical evaluations of new network elements and solutions, architecting and designing solutions for HTI's network, business case development and cashflow analysis, and development of the network capital build program.
3. I have prepared this Declaration in support of HTI's Comments on the Petition for Declaratory Ruling of Sandwich Isles Communications, Inc., which I have reviewed.
4. HTI's Hawaii Interisland Cable System (HICS) is an undersea fiber cable system with bandwidth capacity in excess of 200 Gbps between the islands of Oahu, Maui, Kauai, and the Big Island.
5. HTI has carrier grade microwave facilities to Molokai and Lanai.
6. Capacity is available on these microwave facilities to provide voice and broadband services to the customers to whom Sandwich Isles is currently providing service, as well as a substantial number of additional customers.
7. HTI has bolstered the reliability of its network through arrangements with other providers to diversify its existing interisland fiber routes for the islands of Oahu, Maui and Hawaii and to utilize alternate fiber facilities for restoration purposes.
8. HTI has backup facilities for critical services transported over the interisland microwave routes for the islands of Molokai and Lanai through diverse paths to Oahu and Maui.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 8-31-2009.

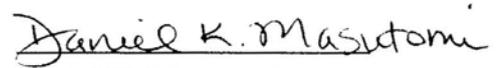

Daniel K. Masutomi

Exhibit 2

Issue Date: March 17, 2006

Transmittal No. 7

Effective: April 1, 2006

FACILITIES FOR INTERSTATE ACCESS

SECTION 5 – SPECIAL ACCESS, (cont'd.)

5.7 Rates and Charges, (cont'd.)

5.7.8 High Capacity DS1 (1.544 Mbps) Facilities, (cont'd.)

(A) Standard Arrangements, (cont'd.)

(USOC)	<u>Special Transport Termination</u>	<u>Special Transport (Per Airline Mile)</u>
	<u>Monthly Rate</u> (TRG)	<u>Monthly Rate</u> (1LFSX)
Hawaii On-Island		
Price Band A	\$ 32.60	\$10.90
Price Band B	\$ 33.30	\$11.10
Price Band C	\$ 34.10	\$11.40
N-MSA	\$ 26.64	\$ 8.04
Hawaii Interisland (USOC-TR8) (USOC-1UYXX)	\$345.00	\$ 0.00

(B) Optional Arrangements

(USOC)	<u>Point-to-Point Fiber OpticSM</u>					
	<u>- Special Transport Per DS1, FiberConnect/LAN Traversed</u>					
	<u>One Year</u> <u>Monthly</u> <u>Rate</u> (1OX1X)	<u>Two Year</u> <u>Monthly</u> <u>Rate</u> (1OX2X)	<u>Three Year</u> <u>Monthly</u> <u>Rate</u> (1OX3X)	<u>Five Year</u> <u>Monthly</u> <u>Rate</u> (1OX5X)	<u>Eight Year</u> <u>Monthly</u> <u>Rate</u> (C6H6X)	<u>Ten Year</u> <u>Monthly</u> <u>Rate</u> (C6H7X)
Hawaii On-Island						
Price Band A	\$65.60	\$64.70	\$63.30	\$58.90	\$58.90	\$58.90
Price Band B	\$65.60	\$64.70	\$63.30	\$58.90	\$58.90	\$58.90
Price Band C	\$65.60	\$64.70	\$63.30	\$58.90	\$58.90	\$58.90
N-MSA	\$63.00	\$61.00	\$58.00	\$53.00	\$53.00	\$53.00

(T)

Issue Date: October 3, 2005

Transmittal No. 1

Effective: October 18, 2005

FACILITIES FOR INTERSTATE ACCESS

SECTION 5 – SPECIAL ACCESS, (cont'd.)

5.7 Rates and Charges, (cont'd.)

5.7.15 High Capacity Digital DS3 (44.736 Mbps) Facilities - Special Transport

(A) DS3 Special Transport Facilities

(USOC) Jurisdiction	3 System, Unlimited System, Individual Transport Per DS3, Per Airline Mile <u>Monthly Rate</u> (1LFSX)	12 Group System Transport Per Group of 12, Per Airline Mile <u>Monthly Rate#</u> (1J51S)	24 Group System Transport Per Group of 24, Per Airline Mile <u>Monthly Rate#</u> (1J52S)
Hawaii On-Island			
Price Band A	\$24.00	\$215.00	\$300.00
Price Band B	\$24.00	\$215.00	\$300.00
Price Band C	\$24.00	\$215.00	\$300.00
N-MSA	\$17.20	\$215.00	\$300.00
Hawaii Interisland* (USOC-FQYUT)	\$9,000.00	NA	NA

(B) DS3 Special Transport Terminations

(USOC)	3 System, Unlimited System, Individual Transport Per DS3, Per Termination <u>Monthly Rate</u> TRG	12 Group System Transport Per Group of 12, Per Termination <u>Monthly Rate#</u> TS31X	24 Group System Transport Per Group of 24, Per Termination <u>Monthly Rate#</u> TS32X
Hawaii On-Island			
Price Band A	\$246.30	\$2,500.00	\$4,500.00
Price Band B	\$246.30	\$2,500.00	\$4,500.00
Price Band C	\$246.30	\$2,500.00	\$4,500.00
N-MSA	\$192.00	\$2,500.00	\$4,500.00
Hawaii Interisland*	NA	NA	NA

* Flat rate, non-distance sensitive

Limited to those services so equipped and in service as of March 4, 1999.