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LICENSED IN
MD, VA & DC

September 23, 2010

VIA USPS AND ECFS

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Sandwich Isles Communications, Inc. Petition for Declaratory Ruling
WC Docket No. 09-133 – Response to False Statements Filed by Sandwich Isles
on August 17, 2010

Dear Ms. Dortch:

Pacific Lightnet, Inc. dba Wavecom Solutions (“Wavecom Solutions”), through its undersigned counsel, hereby submits the following information to correct errors introduced into the record in the above-referenced proceeding by Sandwich Isles Communications, Inc. (“Sandwich Isles”). Specifically, Sandwich Isles falsely states in a letter dated August 17, 2010,¹ that following an outage on the TW Telecom Cable, Wavecom Solutions, lacking sufficient capacity, was forced to move its traffic to the Hawaiian Telecom cable. To the contrary, Wavecom Solutions was able to manage the outage using its own existing capacity, including its IRU on the Southern Cross Cable, and its network was never down entirely.

On August 17, 2010, Sandwich Isles, through counsel, posted a letter with the FCC in the above-referenced proceeding in an attempt to support its application to provide additional capacity in Hawaii. In that letter, Sandwich Isles specifically states,

“There is no dispute as to what occurred. The TW Telecom Cable suffered an outage. The traffic of tw telecom and Wavecom was moved to the HTI [Hawaiian Telecom] cable.”

¹ See Letter from Dana Frix, et. al., Counsel to Sandwich Isles Communications, Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 09-133 (filed August 17, 2010).

To Wavecom Solution's knowledge, no representatives from Sandwich Isles ever bothered to place a simple phone call to Wavecom Solutions to inquire as to the actions taken by it following the outage. Instead, Sandwich Isles appeared content to make bold claims to the Commission in support of its application with reckless disregard for the truth of those statements.

Despite Sandwich Isles' attempt to make it appear to Hawaii's telecom and enterprise market that Wavecom Solutions does not have adequate undersea capacity, the truth is that Wavecom Solutions' traffic was never moved to the Hawaiian Telecom cable. Wavecom Solutions was able to migrate its traffic onto a protected path on its own network, which is provided by an IRU over Southern Cross's "Segment I" cable, which runs from Spencer Beach on the Big Island of Hawaii to Oahu.

Moreover, in the August 17 letter, Sandwich Isles states,

"This proceeding involves the question of whether there is sufficient and reliable undersea cable service within Hawaii absent the Paniolo Cable. There clearly is not, for the Southern Cross cable would not have solved the problem."

In fact, Southern Cross's Segment I cable did enable Wavecom Solutions to solve its problem. Because Wavecom Solutions was able to immediately fail-over 50% of its traffic upon the outage of the TW Telecom Cable, Wavecom Solutions was never completely hard-down. Wavecom Solutions was then able to migrate the remainder of its traffic onto its IRU on Southern Cross's Segment I cable. Furthermore, at no point did Time Warner Oceanic ask Wavecom Solutions as to whether its capacity could be moved to Wavecom Solutions. So it is not clear to Wavecom Solutions how Sandwich Isles drew such self-serving conclusions with respect to overall capacity available for the outage.

Wavecom Solutions takes seriously the false statements made by Sandwich Isles that impugn the integrity of Wavecom Solutions' business. Accordingly, this correction to the record is necessary both in an attempt to repair the damage done to Wavecom Solution's reputation by the Sandwich Isles letter, and also to inform the Commission so that the proper result may be reached in the proceeding referenced above.

Sincerely,



Thomas M. Lynch

cc: Jeremy Amen, CEO, Pacific Lightnet Inc., *via email*
Dana Frix, Esq. Counsel to Sandwich Isles Communications, Inc., *via USPS and email*