

## **ATTACHMENT 1**

Decision and Order, Docket No. 2011-0079 (HA PUC, May 12, 2001).

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of )  
 )  
LEVEL 3 COMMUNICATIONS, INC., )  
APOLLO AMALGAMATION SUB, LTD., )  
LEVEL 3 COMMUNICATIONS, LLC, )  
BROADWING COMMUNICATIONS, LLC, )  
WILTEL COMMUNICATIONS, LLC )  
 )  
AND )  
 )  
GLOBAL CROSSING )  
NORTH AMERICA INC., )  
GLOBAL CROSSING )  
TELECOMMUNICATIONS, INC. )  
 )  
For Approval of the Transfer of )  
Control and Related Transactions )  
Including Certain Financing )  
Arrangements. )  
\_\_\_\_\_ )

DOCKET NO. 2011-0079

DECISION AND ORDER

2011 MAY 12 P 12:22  
PUBLIC UTILITIES  
COMMISSION

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For Approval of the Transfer of )  
Control and Related Transactions )  
Including Certain Financing )  
Arrangements )  
 )

Docket No. 2011-0079

DECISION AND ORDER

By this Decision and Order, the commission waives all regulatory requirements related to the proposed transactions, described in the petition filed on April 28, 2011, 2010 pursuant to Act 180, 2009 Session Laws of Hawaii ("Act 180"),<sup>1</sup> as amended

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<sup>1</sup>Act 180, which took effect on July 15, 2009, essentially classified Hawaii's retail local exchange intrastate services as fully competitive. Under Hawaii Revised Statutes ("HRS") § 269-16(e), the commission is allowed to waive regulatory requirements under HRS Chapter 269 upon a determination that competition will serve the same purpose as public interest regulation.

by Act 8, 2010 Session Laws of Hawaii ("Act 8")<sup>2</sup>; HRS § 269-16.9(e); and Hawaii Administrative Rules § 6-80-135.<sup>3</sup>

This docket is closed unless otherwise ordered by the commission.

DONE at Honolulu, Hawaii MAY 12 2011

PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By *Hermina Morita*  
Hermina Morita, Chair

By *Carlito P. Caliboso*  
Carlito P. Caliboso, Commissioner

APPROVED AS TO FORM:

*Catherine P. Awakuni*  
Catherine P. Awakuni  
Commission Counsel

By *John E. Cole*  
John E. Cole, Commissioner

2011-0079.ps

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<sup>2</sup>Act 8, which took effect on July 1, 2010, clarified that the provisions of Act 180 applied to "retail intrastate telecommunication services."

<sup>3</sup>The commission will continue to examine each application or petition and make determinations on a case-by-case basis. Thus, our waiver in this instance should not be construed by any public utility as a basis for not filing an application or petition.

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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Broadwing Communications, LLC  
WilTel Communications, LLC  
and  
Global Crossing North America, Inc. and  
Global Crossing Telecommunications, Inc.