

Hawaiian Leaders Call on PUC to Reopen Docket on SIC & Mobi

The Sovereign Councils of the Hawaiian Homeland Assembly (SCHHA) founded in 1987, formerly known as the Statewide Council of Hawaiian Homestead Associations, is the oldest and largest organization representing and solely dedicated to protecting the interests of beneficiaries of the Hawaiian Homes Commission Act (HHCA).



At its Executive Council Meeting on October 24, 2015 of homestead leaders from across the state, the SCHHA retained legal counsel, and prepared a formal letter to the Public Utilities Commission (PUC) and its Chairman, **Randy Iwase**, to reopen docket no. 2015-0083 on the certification actions for Sandwich Isles Communication ("SIC") and Mobi taken by the PUC on September 28, 2015. The letter to the PUC was also sent to **Governor David Ige**.

"We are exercising our right to inform the PUC that its decision to certify Mobi as an Eligible Telecommunications Carrier (ETC) serving Hawaiian Home Lands, and to deny certification of SIC, should be reconsidered," said **Robin Puanani Danner**, SCHHA Chairman. "It is clear from the filings by the State of Hawaii Consumer Advocate, that the PUC does not have all of the information, and failed to hold hearings that included participation by the very citizens who will be most impacted by its decisions in this matter – the 40,000 residents of Hawaiian Home Lands and the 29,000 trust beneficiaries waiting on the list who will become residents with their families."

In its letter to the PUC, the SCHHA expressed its belief that Mobi accessed over \$100 million dollars in Universal Service Funds, eligible to serve Hawaiian Home Lands exclusively, and states that these funds may have been diverted from their proper and intended use. The SCHHA is requesting that the PUC amend its certification of Mobi to exclude service on Hawaiian Home Lands, and therefore eligibility to access USF funds intended for Hawaiian Home Lands.

"We want the PUC to reopen the docket so that Hawaiian beneficiaries and Mobi make a record regarding how Mobi spent this huge amount of funds that SCHHA believes must be dedicated to a specific area of our communities to build a permanent network," Danner said. "We already know that the use of USF funds by SIC was spent in the ground, building a high capacity, high bandwidth, fiber optic network to ensure that our communities stay on par with the rest of the state. But we want answers regarding what Mobi, and Sprint for that matter, did with the hundreds of millions of dollars that they claimed from the USF funds intended to provide services to our community. We want to know, and we have a right to know."

When asked about the controversy surrounding Albert Hee, founder of Waimana Inc, the parent company of SIC, Danner said, "Albert Hee's personal and very individual fight with the IRS pertaining to his personal tax returns is a concern between Mr. Hee and the IRS. Sensationalism, gossip, rumor and innuendo about Mr. Hee's case have nothing to do with the operations of SIC, or its service and commitment to serving us as beneficiaries to complete the

2001 Telecommunications Plan approved by the federal government. We participated in the development of that plan which is intended to bring our telecommunications up to 21st century standards that the rest of the state enjoys. We want SIC and the federal government to finish the work they have started that is critical to the economic and social well being of our community.”

In the SCHHA letter to the PUC, it requests that the denial of certification of SIC as an Eligible Telecommunications Carrier on September 28, 2015, be reversed, and to certify SIC unless the FCC determines SIC cannot continue in its prior role.

“Obviously SIC is an Eligible Telecommunications Carrier, and should remain certified until the FCC or any other authority determines on the actual facts that SIC has not and cannot perform the work. We are a country of laws; innuendo and guilt by association are an improper basis for disqualifying SIC. SIC is an autonomous corporation, separate from Mr. Hee. SIC is the vehicle by which our communities have been served, and will be served to parity with telecommunications with the rest of Hawaii, so that our children will have the access to bandwidth they need to obtain knowledge, communicate effectively at high speed and be successful in today’s economy. We don’t want plastic cell phones, we want the fiber optic network with the bandwidth we qualified for as beneficiaries in 1995, and SIC was certified by the FCC and PUC to provide with federally imposed service fees. SIC has not been accused of any wrongdoing; the PUC should be acting on that fact, not suspicion or rumor,” Danner remarked.

The SCHHA also calls upon the PUC not only to reopen the docket, but to hold hearings directly with beneficiaries of the Hawaiian Homes Commission Act, before taking action on any PUC issues related to or affecting their trust lands.

“State government, including agencies like the PUC and the Consumer Advocate at the Department of Commerce and Consumer Affairs, must stop ignoring their trust duty to HHCA beneficiaries,” said **Blossom Feiteira**, a member of the SCHHA Executive Council and the President of an advocacy organization for Hawaiians on the waitlist. “The Hawaii Constitution includes the HHCA, which mandates that the State of Hawaii has a duty to fulfill, and is applicable to the entirety of state government, not just its lead state agency, the Department of Hawaiian Home Lands (DHHL). The PUC has a duty to us, as citizens of Hawaii, like everyone else, but it also has a special fiduciary duty to protect our interests as beneficiaries of the Hawaiian Homes Commission Act – that is the promise of the 1959 Statehood Act, and the Hawaii Constitution. Docket 2015 – 0083 is entirely about us, about our well-being, and the PUC must permit us to be heard before making important decisions that affect our interests as trust beneficiaries.”

For copies of the SCHHA letter to the PUC, contact the SCHHA at SCHHA.Associations@gmail.com.