

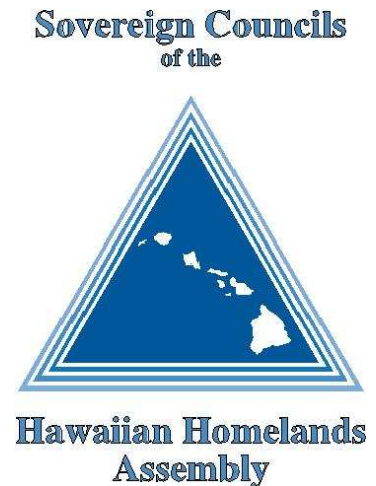
October 25, 2015

Public Utilities Commission
Randy Iwase, Chairman
465 South King Street, Suite #103
Honolulu, Hawaii 96813

Re: Docket No. 2015-0083

Aloha Chairman Iwase and Commissioners of the PUC:

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



As you may know, the Hawaii Admissions Act of 1959, as a condition of statehood, required the State of Hawaii to administer this federal law, to adopt it into the Hawaii Constitution, and to protect the interests of its lawful beneficiaries living on Hawaiian home lands as well as those waiting for a land award.

While many in the state view the state agency, the Department of Hawaiian Home Lands as the sole entity bound by this trust responsibility, the fact is, DHHL is merely one agency of an entire state government, including the PUC, that is responsible for fulfilling this special legal trust relationship with beneficiaries of the HHCA.

The SCHHA is aware of a recent PUC decision referenced above, which appears to be informed solely on the recommendation of the Consumer Advocate at the Department of Commerce and Consumer Affairs, to NOT certify Sandwich Isles Communication (SIC) as an eligible communications carrier (ETC), serving our Hawaiian homeland trust areas. In addition, the PUC issued its certification of Mobi, a wireless firm as an ETC, as a service provider of our land trust areas in its decision in Docket No. 2015-0083.

The SCHHA is extremely concerned that the ruling made on September 28, 2015, was entered without due diligence or consultation with the actual Hawaiian trust beneficiaries impacted by the ruling.

We request that the PUC act swiftly to:

- 1. Re-open.** Re-open Docket No. 2015-0083 and notify the FCC it has done so.
- 2. SIC Eligibility.** Reconsider SIC as an ETC provider based on the fact that: (1) the FCC audit is not complete; and, (2) there is no evidence whatsoever that SIC is not able to serve and has not serviced Hawaiian trust beneficiaries. We fully expect SIC to continue to serve our communities, and to continue to build out a permanent network as described in the SIC Telecommunications Plan of 2001 that was approved by the federal government.

SIC is an ETC until such time as there is an actual determination made by the FCC to the contrary. The premature PUC action threatens uninterrupted service, it threatens the very survival of the firm that has worked with our communities to develop the 2001 Telecommunications Plan, and it threatens our right to have completed, a permanent high quality, high bandwidth telecommunications network.

3. **Mobi Eligibility.** To adjust any certification of Mobi to exclude Hawaiian homelands and any eligibility of Mobi for USF funds based upon Mobi's service claims to the SIC Specific Study Area of Hawaiian home lands. Under the Code of Federal Regulations referenced by the Consumer Advocate in its position statement relative to Docket No 2015-0083, the ETC eligibility only applies to *actual service to beneficiaries within the SIC Study Area.*

We are quite surprised that the Consumer Advocate would recommend ETC certification of Mobi when in fact, Mobi has been *dismantling* its statewide wireless network following its spectrum sale to Verizon Wireless. Consequently, we object to the PUC's September 29, 2015 letter to the FCC that Mobi has and will continue to use USF funds only for the provision, maintenance and upgrading of facilities and services for which the fund was intended (the SIC Study Area).

The SCHHA is opening an initiative to examine the more than \$100 million in USF funds that the beneficiaries believe Mobi may have diverted away from a permanent telecommunication network solely serving the beneficiaries' communities as required for USF funds. We further believe that Mobi may have accessed these funds to build out its own corporate network off Hawaiian homelands, and falsely claimed service to our communities to justify spending USF funds. Therefore, a reopened hearing is necessary for the Hawaiian trust beneficiaries to discover and present proof on these issues and for Mobi to do so, as well.

At a minimum, we request the PUC re-open Docket No. 2015-0083 to reconsider its rulings and to reconvene public hearings to receive evidence and testimony directly from HHCA beneficiaries on this matter.

The State government trust relationship to Hawaiian trust beneficiaries is not limited to DHHL, but extends to all of State government, including the PUC. We believe that the PUC, as well as the Consumer Advocate has a responsibility to our residents as beneficiaries of a State and Federal Trust agreed to under the 1959 Hawaii Admissions Act.

Neither the PUC or the Consumer Advocate, sought information or evidence from the numerous and representative homestead associations or trust beneficiaries to ascertain our needs, our experience or the impact on our families that a PUC decision may have.

Mahalo for your consideration of this matter and a timely response.

Malama pono,



Robin Puanani Danner
SCHHA Chairman

cc: Kamaki Kanahele, SCHHA Chairman Emeritus
SCHHA Executive Council Leaders
SCHHA Island MokuPuni Leaders (Kauai, Oahu, Maui, Molokai, Hawaii Island)
Carl M. Varady, SCHHA Legal Counsel

Honorable David Ige, Governor State of Hawaii
Honorable Ron Kouchi, President, State of Hawaii Senate
Honorable Joe Souki, Speaker, State of Hawaii House of Representatives
Hawaiian Homes Commission
Consumer Advocate at the Department of Consumer Affairs

Federal Department of Interior
Federal Department of Justice
White House Initiative on Asian Americans and Pacific Islanders