

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION OF)
TOUCH AMERICA, INC., FOR AUTHORITY) PSC DOCKET NO. 04-32
TO ABANDON SERVICE WITHIN THE STATE)
OF DELAWARE (FILED JANUARY 30, 2004))

ORDER NO. 6357

AND NOW, to-wit, this 10th day of February, 2004;

WHEREAS, on January 30, 2004, Touch America, Inc. ("Touch America"), filed an application seeking authority to abandon service within the State of Delaware; and

WHEREAS, Touch America was granted a Certificate of Public Convenience and Necessity ("CPCN") pursuant to Rule 7 of the PSC "Rules for the Provision of Telecommunications Services", to provide competitive intrastate telecommunications services by PSC Order No. 5635 in PSC Docket No. 00-589 (Jan. 30, 2001); and

WHEREAS, 26 Del. C. § 203A(c)(1) provides that no public utility shall abandon or discontinue, in whole or in part, any business, operations, or services provided under a CPCN or otherwise, which are subject to jurisdiction of the Commission without first having received Commission approval for such abandonment or discontinuance; and

WHEREAS, Touch America filed with the Commission a verified application seeking the entry of an Order of the Commission canceling and terminating its CPCN; and

WHEREAS, Touch America has asserted that it has no customers in Delaware and no outstanding liabilities to any Delaware customers in the form of deposits nor prepayments for any of its services; and

WHEREAS, the Commission has determined that applications to terminate CPCNs granted to provide competitive intrastate and local exchange telecommunications services should be routinely approved upon the filing of a verified application and that, in a competitive market, such abandonment or discontinuance is presumptively reasonable, necessary, and not unduly disruptive to the present or future public convenience and necessity; now, therefore,

IT IS ORDERED:

1. That, upon the express condition that the representations in the verified application of Touch America, Inc., are true and correct, said application to abandon the provision of competitive intrastate telecommunications service as a public utility filed by Touch America, Inc., is hereby granted and approved effective with the date of this Order.

2. That the Commission reserves the jurisdiction and authority to enter such further Orders in this matter as may be deemed necessary or proper.

BY ORDER OF THE COMMISSION:

/s/ Arnetta McRae
Chair

/s/ Joshua M. Twilley
Vice Chair

/s/ Donald J. Puglisi
Commissioner

/s/ Jaymes B. Lester
Commissioner

/s/ Joann T. Conaway
Commissioner

ATTEST:

/s/ Karen J. Nickerson
Secretary