

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

IN THE MATTER OF THE PROPOSED)
REVOCATION OF THE CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
TO PROVIDE PUBLIC UTILITY) PSC DOCKET NO. 10-1
TELECOMMUNICATIONS SERVICES)
ISSUED TO GTC TELECOM)
(OPENED JANUARY 7, 2010))

ORDER NO. 7724

AND NOW, this 7th day of January 2010, the Commission determines and Orders the following:

1. By PSC Order No. 5072 in PSC Docket No. 99-88, this Commission granted a Certificate of Public Convenience and Necessity ("CPCN") to GTC Telecom authorizing it to provide, *via* resale, intrastate telecommunications services within the State.

2. Under the provisions of 26 *Del. C.* § 115, GTC Telecom, as a certificated jurisdictional public utility, has an obligation to file, by March 31st of each year, a verified annual gross revenue return. That return must contain a statement of the utility's gross intrastate revenues for the immediately proceeding year, a statement of the amount of regulatory assessment due for such year, and be accompanied, where applicable, with payment for such assessment. In addition, pursuant to Rule 10 of the Rules for the Provision of Telecommunications Services (26 *Del. Admin C.* 4001-10 (the "Telecommunications Rules")), GTC Telecom has a similar duty to file with an annual report within 120 days after the end of the reporting period.

3. The Commission Staff has reported that GTC Telecom has not filed an annual gross revenue report or an annual financial report, as

required by 26 Del. C. § 115 and Rule 10 of the Telecommunications Rules, for the calendar year 2008. Staff also reports that its repeated efforts to contact GTC Telecom have been unsuccessful. Letters have been returned undelivered and the telephone number provided by GTC Telecom has been disconnected.

4. The Commission determines that this default by GTC Telecom should result in the revocation of its CPCN, unless it can show good cause to excuse such prior failures to comply with statutory requirements and the directives of this Commission.

NOW, THEREFORE, IT IS HEREBY ORDERED BY THE AFFIRMATIVE VOTE OF NOT FEWER THAN THREE COMMISSIONERS:

1. That GTC Telecom, by Counsel or duly authorized officer, shall file with this Commission a written response showing good cause, if any it has, why the Certificate of Public Convenience and Necessity previously granted to GTC Telecom should not be revoked for reasons stated in the body of this order.

2. Such written response must be filed with the Commission on or before February 8, 2010. If GTC Telecom desires the Commission to conduct an evidentiary hearing on the issue of whether its Certificate of Public Convenience and Necessity should be revoked, GTC Telecom should include a request for such hearing in a written response. If the Commission does conduct such hearing, GTC Telecom shall have the right to present evidence, to be represented by counsel, and to appear personally or by other representative. The Commission will therefore reach its decision based on the evidence presented at such hearing.

3. That if GTC Telecom fails to file, in a timely fashion, the written response as directed above, the Commission will revoke GTC

Telcom's Certificate of Public Convenience and Necessity without a hearing and without any further notice to GTC Telecom.

4. That the Secretary shall send a copy of this Order to the resident agent or authorized official of GTC Telecom by certified mail, return receipt requested. A failure to accept delivery of such notice shall be deemed a failure to file a response under paragraph 2.

5. 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/ Joann T. Conaway
Commissioner

/s/ Jaymes B. Lester
Commissioner

/s/ Dallas Winslow
Commissioner

/s/ Jeffrey J. Clark
Commissioner

ATTEST:

/s/ Alisa Carrow Bentley
Secretary