

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION OF)
GLOBAL CAPACITY DIRECT, LLC F/K/A)
VANCO DIRECT USA, LLC FOR AUTHORITY TO)
ABANDON BOTH COMPETITIVE INTRASTATE) PSC DOCKET NO. 11-396
AND LOCAL TELECOMMUNICATIONS SERVICES)
WITHIN THE STATE OF DELAWARE)
(FILED SEPTEMBER 14, 2011))

ORDER NO. 8044

This 3rd day of October, 2011, the Delaware Public Service Commission (the "Commission") determines and Orders the following:

WHEREAS, by Order No. 6890 dated April 11, 2006, in Docket No. 05-388, the Commission granted Vanco Direct USA, LLC ("Vanco")¹ a Certificate of Public Convenience and Necessity ("CPCN") to operate as a public utility and provide competitive intrastate and local exchange telecommunications services, pursuant to 26 *Del. C.* §§203A and 703(3) and 703(3) and 26 *Del. Admin. C.* §4001; and

WHEREAS, by order entered on January 26, 2011, the Bankruptcy Court for the District of Delaware approved the sale of substantially all of the assets of Vanco's to include its customer base to Pivotal Global Capacity, LLC ("Pivotal").

WHEREAS, by Order No. 7957 dated May 10, 2011, in PSC Docket No. 11-141, the Commission granted Pivotal a CPCN to provide competitive intrastate and local exchange telecommunications services; and

WHEREAS, on September 14, 2011, GCD filed an application seeking authority to abandon both competitive intrastate and local

¹ Global Capacity Direct, LLC ("GCD") and Vanco were in the process of a name change when GCD filed for bankruptcy, and for clarity, Vanco became GCD.

telecommunication services within the State of Delaware (the "Application"); and

WHEREAS, 26 *Del. C.* §203A(c)(1) prohibits regulated public utilities from abandoning or discontinuing their business operations, or services provided under a CPCN without first having received Commission approval; and

WHEREAS, 26 *Del. C.* §706(d) provides that a service provider may abandon a competitive service after providing the Commission and public with 30 days' notice of its intention to do so, and notice of GCD's intent to abandon such competitive services was stated in the Commission's published notice for October 3, 2011; and

WHEREAS, by the Application, GCD seeks approval of its abandonment under 26 *Del. C.* §203A(c)(1) and an order of the Commission canceling and terminating its CPCN.

WHEREAS, in support of its application, GCD notes that is has no competitive intrastate and local exchange customers in Delaware and no outstanding liabilities to any Delaware customers in the form of deposits or prepayments for any of its services and that it has given a copy of its Application to the Division of the Public Advocate as required by 26 *Del. Admin C.* §4001-7.0; and

WHEREAS, pursuant to 26 *Del.* §203A(c)(3), the Commission shall approve any such application to terminate a CPCN granted to provide competitive intrastate and local exchange telecommunications services when the Commission finds that the utility has met its burden of proving that the abandonment or discontinuance is reasonable, necessary, and not unduly disruptive to the present or future public convenience and necessity; and

WHEREAS, the Commission's Staff recommends that GCD's Application should be approved because such abandonment or discontinuation is reasonable, necessary, and not unduly disruptive to the present and future public convenience and necessity.

NOW, THEREFORE, IT IS HEREBY ORDERED BY THE AFFIRMATIVE

VOTE OF NOT FEWER THAN THREE COMMISSIONERS:

1. That, upon the express condition that the representations in the verified application of Global Capacity Direct, LLC f/k/a Vanco Direct USA, LLC are true and correct, said Application to abandon the provision of local exchange and competitive intrastate telecommunications services as a public utility is hereby granted and approved effective with the date of this Order.

2. That the Certificate of Public Convenience and Necessity granted to Global Capacity Direct, LLC f/k/a Vanco Direct USA, LLC by PSC Order No. 6890 (dated April 11, 2006) in PSC Docket No. 05-388 is hereby revoked.

3. 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/ Dallas Winslow
Commissioner

/s/ Jeffrey J. Clark
Commissioner

Commissioner

Attest:

/s/ Alisa Carrow Bentley
Secretary