

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF DELAWARE**

IN THE MATTER OF THE APPLICATION                    )  
OF CAPSULE COMMUNICATIONS, INC.,                    )  
FOR AUTHORITY TO ABANDON SERVICE                    )       PSC DOCKET NO. 05-151  
WITHIN THE STATE OF DELAWARE                        )  
(FILED MAY 9, 2005)                                    )

**ORDER NO. 6628**

**AND NOW**, to-wit, this 24<sup>th</sup> day of May, 2005;

**WHEREAS**, on May 9, 2005, Capsule Communications, Inc. ("Capsule"), filed an application seeking authority to abandon service within the State of Delaware; and

**WHEREAS**, Capsule 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. 5572 in PSC Docket No. 00-487 (Oct. 31, 2000); 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**, Capsule filed with the Commission a verified application seeking the entry of an Order of the Commission canceling and terminating its CPCN; and

**WHEREAS**, Capsule 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 Capsule Communications, Inc., are true and correct, said application to abandon the provision of competitive intrastate telecommunications services as a public utility filed by Capsule Communications, 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:

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Chair

\_\_\_\_\_  
/s/ Joshua M. Twilley  
Vice Chair

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/s/ Joann T. Conaway  
Commissioner

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/s/ Jaymes B. Lester  
Commissioner

PSC Docket No. 05-151, Order No. 6628 Cont'd.

/s/ Dallas Winslow  
Commissioner

ATTEST:

/s/ Karen J. Nickerson  
Secretary