

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

IN THE MATTER OF THE APPLICATION OF)
COMTEL TELECOM ASSETS LP, D/B/A)
EXCEL TELECOMMUNICATIONS, VARTEC)
TELECOM, CLEAR CHOICE)
COMMUNICATIONS® AND VARTEC)
SOLUTIONS, FOR AUTHORITY) PSC DOCKET NO. 10-268
TO ABANDON BOTH COMPETITIVE)
INTRASTATE AND LOCAL EXCHANGE)
TELECOMMUNICATIONS SERVICES WITHIN)
THE STATE OF DELAWARE)
(FILED AUGUST 5, 2010))

ORDER NO. 7815

AND NOW, this 17th day of August, 2010;

WHEREAS, on August 5, 2010, Comtel Telecom Assets LP, d/b/a Excel Telecommunications, VarTec Telecom, Clear Choice Communications® and VarTec Solutions ("Comtel"), filed an application seeking authority to abandon both competitive intrastate and local exchange telecommunications services within the State of Delaware (the "Application"); and

WHEREAS, Comtel was granted a Certificate of Public Convenience and Necessity (a "CPCN"), pursuant to Rule 7 of the PSC "Rules for the Provision of Telecommunications Services," to provide competitive intrastate and local exchange telecommunications services by PSC Order No. 6899 (April 25, 2006) in PSC Docket No. 05-441; and

WHEREAS, pursuant to an asset purchase agreement ("Agreement") approved by the Commission in PSC Docket No. 06-162, Comtel acquire the assets of Excel Telecommunications, Inc., VarTec Telecom., d/b/a Clear Choice Communications, and VarTec Solutions, Inc. (together, the "VarTec Companies"). Therefore, the VarTec Companies abandon service and Comtel utilized the trade names of the VarTec Companies; and

WHEREAS, pursuant to an asset purchase agreement ("APA") approved by the Commission in PSC Docket No. 10-139, Comtel sold its assets and customer accounts to Matrix Telecom, Inc., Matrix Business Technologies and Trinsic Communications ("Matrix"), to sell all of its assets, including customers, to Matrix on July 31, 1010; 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, by the Application, Comtel seeks approval of its abandonment under section 203A (c)(1) and an order of the Commission canceling and terminating its CPCN; and

WHEREAS, in support of its Application, Comtel notes that it has no competitive intrastate or local exchange 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, based upon Comtel's assertions and Stall's review, the Commission has determined that applications to terminate CPCNs

granted to provide both 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 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 Comtel Telecom Assets LP, d/b/a Excel Telecommunications, VarTec Telecom, Clear Choice Communications and VarTec Solutions, are true and correct, said application to abandon the provision of competitive intrastate and local exchange telecommunications services as a public utility filed by Comtel Telecom Assets LP, d/b/a Excel Telecommunications, VarTec Telecom, Clear Choice Communications and VarTec Solutions, 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/ Joann T. Conaway
Commissioner

/s/ Dallas Winslow
Commissioner

/s/ Jaymes B. Lester
Commissioner

/s/ Jeffrey J. Clark
Commissioner

ATTEST:

/s/ Alisa Carrow Bentley
Secretary