

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

IN THE MATTER OF THE PROPOSED)
 REVOCATION OF THE CERTIFICATES OF)
 PUBLIC CONVENIENCE AND NECESSITY)
 TO PROVIDE PUBLIC UTILITY) PSC DOCKET NO. 10-302
 TELECOMMUNICATIONS SERVICES)
 PREVIOUSLY ISSUED TO TWO ENTITIES)
 (OPENED SEPTEMBER 21, 2010))

ORDER NO. 7843

AND NOW, this 21st day of September, 2010, the Commission determines and Orders the following:

1. By prior orders (as indicated below), this Commission granted a Certificate of Public Convenience and Necessity ("CPCN") to each of the following entities authorizing the entity to provide, via resale, intrastate telecommunications services within the State:

<u>NAME</u>	<u>ORDER NO.</u>	<u>DOCKET NO.</u>
Network US, Inc. d/b/a CA Affinity	5861	01-444
TMS	6211	03-448

2. Under the provisions of 26 Del. C. §115, each of the above entities, 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 preceding year and, a statement of the amount of the regulatory assessment due for such year. The return shall also be accompanied, where applicable, with the payment for any assessment. In addition, under Rule 10 (a) & (d) of this Commission's "Rules for the Provision of Telecommunications Services"

(the "Telecommunications Rules"),¹ each of the above entities has a similar duty to file with the Commission an annual report within 120 days after the end of the reporting period.

3. The Commission Staff has reported that each of the above listed entities 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 2009. Staff also reports that TMS is out of business and its efforts to contact Network US, Inc., d/b/a CA Affinity have been unsuccessful.

4. The Commission determines that these defaults by the above-listed utilities should result in the revocation of their CPCNs, unless such entity 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 each of the entities listed below, by counsel or duly authorized officer, shall file with this Commission a written response showing good cause, why the Certificate of Public Convenience and Necessity previously granted to that entity should not be revoked for the reasons stated in the body of this Order. The entities are:

<u>NAME</u>	<u>ORDER NO.</u>	<u>DOCKET NO.</u>
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¹Adopted in PSC Order No. 5833 (Dec. 10, 2001) and amended by PSC Order No. 6839 (eff. Mar. 11, 2006).

Such written response must be filed with the Commission on or before October 23, 2010. If any entity desires the Commission to conduct an evidentiary hearing on the issue of whether the entity's Certificate of Public Convenience and Necessity should be revoked, the entity should include a request for such hearing in its written response. If the Commission does conduct such a hearing, the entity shall have the right to present evidence, to be represented by counsel, and to appear personally or by other representative. The Commission will thereafter reach its decision based on the evidence presented at such hearing.

2. That if an entity fails to file, in a timely fashion, the written response as directed in paragraph 1, the Commission will revoke that entity's Certificate of Public Convenience and Necessity without a hearing and without any further notice to the entity.

3. That the Secretary shall send a copy of this Order to the resident agent or authorized official of each of the listed entities 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.

4. 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