

**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. 12-63  
TELECOMMUNICATIONS SERVICES )  
ISSUED TO CLOSECALL AMERICA, INC. )  
(OPENED JANUARY 31, 2012) )

**ORDER NO. 8106**

**AND NOW**, this 31 day of January, 2012, the Commission determines and Orders the following:

1. Whereas, by PSC Order No. 5810 in PSC Docket No. 01-267, this Commission granted a Certificate of Public Convenience and Necessity ("CPCN") to CloseCall America, Inc. authorizing it to provide, via resale, intrastate and local telecommunications services within the State of Delaware;

2. Whereas, under the provisions of 26 Del. C. §115, CloseCall America, Inc., as a certificated jurisdictional public utility, has an obligation to file, by March 31<sup>st</sup> of each year, a verified annual gross revenue return form. 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, and be accompanied, where applicable, with payment for such assessment. In addition, pursuant to 26 Del. Admin C. §4001-10 (the "Telecommunications Rules"), Closecall

America, Inc. has a similar duty to file with an annual report within 120 days after the end of the reporting period.

3. Whereas, the Commission Staff has reported that Closecall America, Inc. has not filed an annual gross revenue report or an annual financial report for calendar year 2010, as required by 26 Del. C. § 115 and the Telecommunications Rules. Staff also reports that its repeated efforts to contact CloseCall America, Inc. have been unsuccessful. Letters sent by Staff to CloseCall America, Inc. have been returned and the telephone number provided by Closecall America, Inc. has been disconnected.

4. Whereas, the Commission determines that this default by CloseCall America, Inc. 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 CloseCall America, Inc., 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 Closecall America, Inc. should not be revoked for the reasons stated in the body of this Order.

2. Such written response must be filed with the Commission on or before February 29, 2012. If CloseCall America, Inc. would like

for the Commission to conduct an evidentiary hearing on the issue of whether its Certificate of Public Convenience and Necessity should be revoked, CloseCall America, Inc. should include a request for such hearing in its written response. If the Commission does conduct such hearing, Closecall America, Inc. 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.

3. That if CloseCall America, Inc. fails to file, in a timely fashion, the written response as directed above, the Commission will revoke CloseCall America, Inc.'s Certificate of Public Convenience and Necessity without a hearing and without any further notice to Closecall America, Inc.

4. That the Secretary shall send a copy of this Order to the resident agent or authorized official of CloseCall America, Inc. 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 of this Order.

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:

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Chair

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/s/ Joann T. Conaway  
Commissioner

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/s/ Jaymes B. Lester  
Commissioner

\_\_\_\_\_  
/s/ Jeffrey J. Clark  
Commissioner

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Commissioner

ATTEST:

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/s/ Alisa Carrow Bentley  
Secretary