

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

IN THE MATTER OF THE APPLICATION OF)
NICK'S AMUSEMENTS, INC. FOR AUTHORITY)
TO ABANDON INTEREXCHANGE INTRASTATE) PSC DOCKET NO. 12-291
PAYPHONE SERVICES WITHIN THE STATE)
OF DELAWARE)
(FILED August 20, 2012))

ORDER NO. 8182

AND NOW, to-wit, this 5th day of September 2012;

WHEREAS, pursuant to the Delaware Code, 26 *Del. C.* §§203A and 703(3), and the Regulations Governing Payphone Service Providers in Delaware, 26 *Del. Admin. C.* §4002, the Delaware Public Service Commission ("Commission") granted Nick's Amusements, Inc. ("Nick") a Certificate of Public Convenience and Necessity ("CPCN") to provide interexchange intrastate payphone services on March 5, 1998; and

WHEREAS, on August 14, 2012, Nick sent the Commission a letter requesting that Nick be removed from the annual assessment list because the company ceased doing business as payphone provider effective September 22, 2005; and

WHEREAS, on August 6, 2012, the Commission Staff requested by letter that an official of Nick complete a verified Affidavit of General Compliance to confirm that Nick was requesting Commission approval of abandonment of its CPCN to provide payphone services in the State of Delaware; and

WHEREAS, on August 20, 2012, Nick filed such Affidavit of General Compliance with the Commission; and

WHEREAS, 26 *Del. C.* §203A(c)(1) provides that no public utility shall abandon or discontinue, in whole or in part, any

regulated public utility 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, by Nick's letter request, in conjunction with the verified the Affidavit of General Compliance filed with the Commission (together the "Application"), Nick now seeks the entry of an Order from the Commission canceling and terminating its CPCN; and

WHEREAS, Nick has asserted that it does not provide any payphone services in Delaware; and

WHEREAS, the Commission has determined that it should routinely approve applications to terminate CPCNs which were granted to provide interexchange intrastate payphone services so long as the applicant files 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;

NOW, THEREFORE, IT IS HEREBY ORDERED BY THE AFFIRMATIVE VOTE OF NOT FEWER THAN THREE COMMISSIONERS:

1. That, upon express condition that the representations in the letter request and verified Affidavit of General Compliance (the "Application") of Nick's Amusements, Inc. are true and correct, said Application filed by Nick's Amusement, Inc. to abandon the provision of interexchange intrastate payphone services as a public utility 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/ Dallas Winslow
Chair

/s/ Joann T. Conaway
Commissioner

/s/ Jaymes B. Lester
Commissioner

/s/ Jeffrey J. Clark
Commissioner

Commissioner

ATTEST:

/s/ Alisa Carrow Bentley
Secretary