

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

IN THE MATTER OF THE ABANDONMENT OF)
THE AUTHORITY TO CONDUCT INTEREXCHANGE)
INTRASTATE PAYPHONE SERVICES WITHIN) PSC DOCKET NO. 12-312
THE STATE OF DELAWARE FOR ETS)
PAYPHONES, INC.)
(FILED JULY 9, 2012))

ORDER NO. 8183

AND NOW, to-wit, this 18th day of September 2012;

WHEREAS, on August 4, 2003, ETS Payphones, Inc. ("ETS") applied within the Public Services Commission ("Commission") for a Certificate of Public Convenience and Necessity ("CPCN") to conduct interexchange intrastate payphone services within the State of Delaware; and

WHEREAS, 26 *Del. Admin. C.* §4002-2.3.6 requires each applicant seeking a CPCN to supply to the Commission a written statement affirming that the applicant agrees to comply with all of the provisions of the Commission Regulations, and ETS submitted to the Commission such written statement; and

WHEREAS, on August 4, 2003, the Commission granted ETS a CPCN effective August 4, 2003; and

WHEREAS, on or about February, 15 2007, the Commission Staff sent by first-class mail, postage pre-paid, an annual assessment to ETS at the Company's business address as set forth in the records of the Commission; and

WHEREAS, on March 5, 2007, ETS sent a letter to the Commission requesting the withdrawal of its CPCN because it had ceased doing business in the State of Delaware effective December 31, 2006; and

WHEREAS, on August 3, 2012, the Commission Staff mailed a letter which requested that an official for ETS complete an Affidavit of General Compliance and confirm that ETS had abandoned its CPCN to provide payphone services in the State of Delaware; and

WHEREAS, on August 12, 2012, such Affidavit of General Compliance was returned by the United States Postal Service as "undeliverable;" and

WHEREAS, 26 *Del. Admin. C.* §4002-2.6 requires that each certificated payphone service provider must notify the Commission in writing within ten days following the change of any information required by 26 *Del. C.* §§4002-2.3.1 through 2.3.8; 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, 26 *Del. Admin. C.* §4002-2.7 requires that each certificated payphone service provider must provide written notice to the Commission at least ten days prior to the cession of all operations as a payphone provider in the State of Delaware; and

WHEREAS, ETS either has failed to provide the Commission with written notice as required by 26 *Del. Admin. C.* §4002-2.6 that it has changed its business address or has failed to provide the Commission with prior written notice as required by 26 *Del. C.* §203A(c)(1) and 26 *Del. Admin. C.* §4002-2.7 that it has ceased all operations as a payphone provider in the State of Delaware; and

WHEREAS, ETS has therefore violated the terms of its CPCN to provide payphone services in the State of Delaware in that it has failed to

comply with the provisions of the Commission's Regulations and/or Delaware law; and

WHEREAS, the Commission Staff posted a public notice on the Commission's website on August 29, 2012, stating that if ETS failed to comply with the Commission's Regulations and/or Delaware Law on or before September 14, 2012, the Commission would revoke the company's CPCN for interexchange intrastate payphone services within the State of Delaware; and

WHEREAS, ETS failed to respond by such deadline;

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

1. That the Certificate of Public Convenience and Necessity of ETS Payphones, Inc. to conduct interexchange intrastate payphone services within the State of Delaware which the Commission granted effective August 4, 2003, is hereby revoked 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