

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION OF)
GLOBAL NAPS SOUTH, INC. FOR)
AUTHORITY TO ABANDON COMPETITIVE)
LOCAL EXCHANGE TELECOMMUNICATION) PSC DOCKET NO. 12-376
SERVICES WITHIN THE STATE OF DELAWARE)
(FILED MAY 7, 2012))

ORDER NO. 8207

AND NOW, to-wit, this 21th day of August 2012, the Public Service Commission (the "Commission") determines and orders the following:

WHEREAS, pursuant to 26 Del. C. §§203A and 703(3), on February 2, 1999, the Commission granted to Global NAPS South, Inc. ("GNAPS South") a Certificate of Public Convenience and Necessity ("CPCN") to provide competitive local exchange telecommunications services by Order No. 5016 in PSC Docket No. 99-453; and

WHEREAS, pursuant to an Order dated May 6, 2010, and amended on May 13, 2010, in the matter entitled Global NAPS, Inc. v. Verizon New England, C.A. No. 02-123489-RWZ, Mr. Carl F. Jenkins was appointed to be the Receiver of GNAPS South and its affiliates and related companies (collectively, "GNAPS") by Judge Rya W. Zobel of the United States District Court for the District of Massachusetts; and

WHEREAS, on August 7, 2012, Mr. Donald H.C. Libbey, counsel to Mr. Jenkins as the federally-appointed Receiver for GNAPS South, filed a letter application ("Application") on behalf of GNAPS South and requested the authority to abandon its CPCN for competitive local exchange telecommunication services in the State of Delaware; and

WHEREAS, Mr. Libbey confirmed in the Application that GNAPs South ceased telecommunications services and all other business operations and services in the State of Delaware and thus GNAPs South wished to abandonment its CPCN. Mr. Libbey also confirmed that GNAPs ceased network operations on March 12, 2012, and no longer provides telecommunications services in Delaware or in any other jurisdiction; and

WHEREAS, Staff has reviewed GNAPs South's assessments for the past seven years and notes that for these years GNAPs South had zero Gross Delaware Intrastate Operating Revenues, which indicates that GNAPs South has had no customers for quite some time; 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, the Application seeks the entry of an Order of the Commission canceling and terminating the CPCN of GNAPs South; and

WHEREAS, the Commission has determined that applications to terminate CPCNs granted to provide competitive 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; **and**

WHEREAS, even though the Application was not verified, Staff notes that GNAPs South has no outstanding obligations to any Delaware customers

in the form of deposits or repayments for any of its competitive local exchange telecommunications services within the State of Delaware and that GNAPs South was granted a CPCN in a competitive market. Therefore, Staff believes that GNAPs South's abandonment of its CPCN would be reasonable and recommends that the Commission approve GNAPs South's Application to abandon its CPCN;

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 unverified application of Global NAPs South, Inc. are true and correct, said application to abandon the provision of competitive local exchange telecommunications services as a public utility filed by Global NAPs South, Inc. 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/ Jeffrey J. Clark
Commissioner

Commissioner

Commissioner

ATTEST:

/s/ Alisa Carrow Bentley
Secretary