

**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. 12-373
THE STATE OF DELAWARE FOR CRESCENT)
TELEPHONE COMPANY, INC.)
(FILED AUGUST 7, 2012))

ORDER NO. 8221

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

WHEREAS, on December 11, 2000, Crescent Telephone Company, Inc. ("Crescent") applied with 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 Crescent submitted to the Commission such written statement; and

WHEREAS, on December 11, 2000, the Commission granted Crescent a CPCN effective December 11, 2000; and

WHEREAS, on or about February, 15 2004, the Commission Staff sent by first-class mail, postage pre-paid, an annual assessment to Crescent at the Company's business address as set forth in the records of the Commission; and

WHEREAS, on December 20, 2004, the Commission received a letter from Crescent stating that it has divested substantially all of its payphones assets and business, that it did not intend to operate or maintain any

payphones in the State of Delaware, and that it wanted its CPCN be cancelled; and

WHEREAS, on August 8, 2012, the Commission Staff sent a letter requesting that an official for Crescent to complete an Affidavit of General Compliance to confirm that Crescent had abandon its CPCN to provide payphone services in the State of Delaware; and

WHEREAS, the Affidavit was due by August 24, 2012. As of August 31, 2012, Staff did not receive such Affidavit of General Compliance, 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

WHEAREAS, 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 jurisdictions of the Commission without first having received Commission approval for such abandonment or discontinuance; and

WHEARAS, 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, Crescent 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, Crescent 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 31, 2012, stating that if Crescent failed to comply with the Commission's Regulations and/or Delaware law on or before September 17, 2012, the Commission would revoke the company's CPCN for interexchange intrastate payphone services within the State of Delaware; and

WHEREAS, Crescent 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 Crescent Telephone Company, Inc. to conduct interexchange intrastate payphone services within the State of Delaware which the Commission granted effective March 5, 1998, 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