

**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. 12-408
THE STATE OF DELAWARE FOR EXTREME)
NITE CLUB)
(FILED AUGUST 28, 2012))

ORDER NO. 8228

AND NOW, to-wit, this 23rd day of October 2012;

WHEREAS, on August 15, 2000, Mr. James M. Callahan and/or Extreme Nite Club (collectively, "ENC") 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 ENC submitted to the Commission such written statement; and

WHEREAS, on August 15, 2000, the Commission granted ENC a CPCN effective August 15, 2000; and

WHEREAS, on or about February, 15 2012, the Commission Staff sent by first-class mail, postage pre-paid, an annual assessment to ENC at the business address as set forth in the records of the Commission; and

WHEREAS, the assessment envelope was returned to the Commission as "Not Deliverable;" and

WHEREAS, in one last attempt to contact ENC, on August 28, 2012, the Commission Staff mailed a letter which requested that ENC complete an Affidavit of General Compliance and confirm that ENC had abandon its CPCN to provide payphone services in the State of Delaware; and

WHEREAS, on September 6, 2012, such Affidavit of General Compliance was returned by the United States Postal Service as "Not Deliverable;" 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, ENC 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 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, ENC 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 September 14, 2012, which stated that if ENC failed to comply with the Commission's Regulations and/or Delaware Law on or before October 1, 2012, the Commission would revoke the ENC's CPCN for interexchange intrastate payphone services within the State of Delaware; and

WHEREAS, ENC 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 Mr. James M. Callahan and/or Extreme Nite Club to conduct interexchange intrastate payphone services within the State of Delaware, which the Commission granted effective August 15, 2000, 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 R. Lester
Commissioner

/s/ Jeffrey J. Clark
Commissioner

Commissioner

ATTEST:

/s/ Alisa Carrow Bentley
Secretary