BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION OF )
ERG, INC. T/A DEER PARK FOR )
AUTHORITY TO ABANDON INTEREXCHANGE ) PSC DOCKET NO.12-448
INTRASTATE PAYPHONE SERVICE WITHIN )
THE STATE OF DELAWARE )
(FILED SEPTEMBER 19, 2012) )

ORDER NO. 8295

AND NOW, to-wit, this 21st day of February, 2013;

WHEREAS, pursuant to the Delaware Code, 26 Del. C. §203A, and the Regulations Governing Payphone Service Providers in Delaware, 26 Del. Admin. C. §4002, the Delaware Public Service Commission ("Commission") granted ERG, Inc. T/A Deer Park ("ERG") a Certificate of Public Convenience and Necessity ("CPCN") to provide interexchange intrastate payphone services on March 12, 1998; and

WHEREAS, subsequently, the Commission Staff discovered that ERG went out of business in May of 2001; and

WHEREAS, on September 19, 2012, the Commission Staff requested by letter that an official of ERG complete a verified Affidavit of General Compliance to confirm that ERG was requesting Commission approval to abandon its CPCN to provide payphone services in the State of Delaware; and

WHEREAS, on October 1, 2012, ERG 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, because the Commission’s records indicate that ERG went out of business in May of 2001 and ERG has filed a verified Affidavit of General Compliance with the Commission (together the “Application”), ERG now seeks the entry of an Order from the Commission canceling and terminating its CPCN; and

WHEREAS, ERG has asserted in its Application 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 ERG, Inc. T/A Deer Park are true and correct, said Application filed by ERG, Inc. T/A Deer Park 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/ Jaymes B. Lester
Commissioner

/s/ Jeffrey J. Clark
Commissioner

Commissioner

Commissioner

ATTEST:

/s/ Alisa Carrow Bentley
Secretary