

**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 21<sup>st</sup> 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

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Commissioner

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Commissioner

ATTEST:

/s/ Alisa Carrow Bentley  
Secretary