

**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 THE ) PSC DOCKET NO. 12-441  
STATE OF DELAWARE BY JAY TELEPHONE VENDING )  
(FILED SEPTEMBER 17, 2012) )

**ORDER NO. 8351**

**AND NOW**, to-wit, this 23rd day of April, 2013;

**WHEREAS**, on April 13, 1998, Jay Telephone Vending ("JTV" or the "Company") applied with the Public Service 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 JTV submitted to the Commission such written statement; and

**WHEREAS**, on April 13, 1998, the Commission granted JTV a CPCN effective April 13, 1998; and

**WHEREAS**, on or about September 19, 2012, the Commission Staff mailed a letter which requested that an official of JTV complete an Affidavit of General Compliance ("Affidavit") and confirm that JTV had abandoned its CPCN to provide payphone services in the State of Delaware; and

**WHEREAS**, such Affidavit was returned by the United States Postal Service as "no such number unable to forward;" 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**, JTV 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**, JTV, 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 March 25, 2013, which stated that if JTV failed to comply with the Commission's Regulations and/or Delaware Law on or before April 8, 2013, the Commission would revoke the Company's CPCN for interexchange intrastate payphone services within the State of Delaware; and

**WHEREAS**, JTV 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 Jay Telephone Vending to conduct interexchange intrastate payphone services within the State of Delaware, which the Commission granted effective April 13, 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

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

ATTEST:

/s/ Alisa Carrow Bentley  
Secretary