

**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. 12-449
STATE OF DELAWARE BY FOX VALLEY GROCERS,)
INC. T/A SUPER THRIFTWAY)
(FILED SEPTEMBER 19, 2012))

ORDER NO. 8354

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

WHEREAS, on February 23, 1998, Fox Valley Grocers, Inc. T/A Super Thriftway ("Fox Valley" 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 Fox Valley submitted to the Commission such written statement; and

WHEREAS, on February 26, 1998, the Commission granted Fox Valley a CPCN effective February 23, 1998; and

WHEREAS, on or about September 20, 2012, the Commission Staff mailed a letter which requested that an official of Fox Valley complete an Affidavit of General Compliance ("Affidavit") and confirm that Fox Valley 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 "not known 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, Fox Valley 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, Fox Valley, 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 20, 2013, which stated that if Fox Valley failed to comply with the Commission's Regulations and/or Delaware law on or before April 3, 2013, the Commission would revoke the Company's CPCN for interexchange intrastate payphone services within the State of Delaware; and

WHEREAS, Fox Valley 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 Fox Valley Grocers, Inc. T/A Super Thriftway to conduct interexchange intrastate payphone services within the State of Delaware, which the Commission granted effective February 23, 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