

**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 STATE OF DELAWARE) PSC DOCKET NO. 12-395
FOR QWEST INTERPRISE AMERICA, INC.)
(FILED AUGUST 27, 2012))

ORDER NO. 8371

AND NOW, to-wit, this 7th day of May, 2013;

WHEREAS, on August 22, 2001, Qwest Interprise America, Inc. ("Qwest" 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 Qwest submitted to the Commission such written statement; and

WHEREAS, on August 22, 2001, the Commission granted Qwest a CPCN for interexchange intrastate payphone services within the State of Delaware; and

WHEREAS, on February 27, 2007, in PSC Docket No. 07-32, the Commission granted Quest's request to abandon its telecommunications operations via Order No. 7133; however, this Order did not mention the abandonment of Quest's CPCN for payphone services; and

WHEREAS, after a recent review of the Commission's records, the Commission Staff ("Staff") found that Qwest may no longer be operating as

a payphone provider in the State of Delaware. Thus, on August 27, 2012, Staff sent a letter to Qwest and requested that an official of the Company complete an Affidavit of General Compliance to confirm that Qwest had abandoned its CPCN for payphone services in the State of Delaware. The Affidavit had to be returned by September 10, 2012; and

WHEREAS, as of April 29, 2013, Staff has not received such Affidavit of General Compliance from Qwest; 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, 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, Qwest either 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 or has failed to provide written notice as required by 26 *Del. Admin. C.* §4002-2.6; and

WHEREAS, Qwest, 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, Staff posted a public notice on the Commission's website on September 19, 2012, which stated that if Qwest failed to comply with the Commission's Regulations and/or Delaware law on or before October 5, 2012, the Commission would revoke the Company's CPCN for interexchange intrastate payphone services within the State of Delaware; and

WHEREAS, Qwest 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 Qwest Interprise America, Inc. to conduct interexchange intrastate payphone services within the State of Delaware which the Commission granted effective August 22, 2001, 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:

Chair _____

/s/ Joann T. Conaway
Commissioner

/s/ Jaymes B. Lester
Commissioner

/s/ Jeffrey J. Clark
Commissioner

Commissioner

ATTEST:

/s/ Alisa Carrow Bentley
Secretary