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BEFORE THE ARIZONA CORPORATION COMMISSION
Arizona Corporation Commission

DOCKETED

APR 21 1999

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JIM IRVIN
COMMISSIONER-CHAIRMAN
TONY WEST
COMMISSIONER
CARL J. KUNASEK
COMMISSIONER

DOCKET NO. T-03040A-99-0109

DECISION NO. 61653

IN THE MATTER OF THE APPLICATION OF
DAVID W. GROSS DBA DWIGS AMUSEMENTS
FOR THE SALE OF ASSETS AND
CANCELLATION OF THE CERTIFICATE OF
CONVENIENCE AND NECESSITY TO PROVIDE
CUSTOMER-OWNED PAY TELEPHONE
SERVICE IN THE STATE OF ARIZONA.

ORDER

Open Meeting
April 19 and 20, 1999
Phoenix, Arizona

BY THE COMMISSION:

Having considered the entire record herein and being fully advised in the premises, the Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

FINDINGS OF FACT

1. David W. Gross dba Dwigs Amusements ("Applicant") is a sole proprietorship that has a Certificate of Convenience and Necessity ("Certificate") to provide customer-owned pay telephone ("COPT") service in the State of Arizona pursuant to Decision No. 59581 (March 26, 1996).
2. On February 19, 1999, Applicant submitted to Docket Control an application for approval of the sale of assets and cancellation of the Certificate. The application was docketed on March 2, 1999.
3. In Decision No. 55817 (December 10, 1987), the Commission found that COPT providers were public service corporations subject to the jurisdiction of the Commission.
4. Decision No. 57797 (April 8, 1992) adopted A.A.C. R14-2-901 through R14-2-909 to regulate COPT providers.
5. Decision No. 58535 (February 14, 1994) adopted a Generic Tariff that establishes rates and minimum service standards applicable to COPT service.

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ORDER

IT IS THEREFORE ORDERED that the application of David W. Gross dba Dwigs Amusements for the sale of assets and cancellation of the Certificate to provide customer-owned pay telephone service shall be, and is hereby, approved.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

COMMISSIONER-CHAIRMAN

Tony West
COMMISSIONER

Carl Kesseler
COMMISSIONER

IN WITNESS WHEREOF, I, STUART R. BRACKNEY, Acting Executive Secretary of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this 21 day of April, 1999.

Stuart R. Brackney
STUART R. BRACKNEY
ACTING EXECUTIVE SECRETARY

DISSENT _____
BMB:bbs

1 SERVICE LIST FOR:

DAVID W. GROSS DBA DWIGS AMUSEMENTS

2 DOCKET NO.

T-03040A-99-0109

3 David W. Gross
4 DWIGS AMUSEMENTS
5 6734 N. 12 Way
Phoenix, Arizona 85014

6 Paul Bullis, Chief Counsel
7 Legal Division
ARIZONA CORPORATION COMMISSION
8 1200 West Washington Street
Phoenix, Arizona 85007

9 Director, Utilities Division
ARIZONA CORPORATION COMMISSION
10 1200 West Washington Street
Phoenix, Arizona 85007

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