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BEFORE THE ARIZONA CORPORATION COMMISSION

JIM IRVIN  
COMMISSIONER - CHAIRMAN  
RENZ D. JENNINGS  
COMMISSIONER  
CARL J. KUNASEK  
COMMISSIONER

IN THE MATTER OF THE APPLICATION FOR )  
APPROVAL OF SAMUEL E. CHO DBA SM )  
UNLIMITED TO CANCEL THE CERTIFICATE )  
OF CONVENIENCE AND NECESSITY TO )  
PROVIDE CUSTOMER-OWNED PAY )  
TELEPHONE SERVICE IN THE STATE OF )  
ARIZONA. )

DOCKET NO. T-03007A-98-0353

DECISION NO. 61046

ORDER Arizona Corporation Commission  
**DOCKETED**

Open Meeting  
August 4 and 5, 1998  
Phoenix, Arizona

AUG 06 1998

DOCKETED BY Huck

**BY THE COMMISSION:**

Having considered the entire record herein and being fully advised in the premises, the Commission finds, concludes, and orders that:

**FINDINGS OF FACT**

1. Samuel E. Cho dba SM Unlimited ("Applicant") is a sole proprietorship which 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. 59327 (October 11, 1995).
2. On July 2, 1998, Applicant filed an application for approval of the cancellation of the Certificate.
3. In Decision No. 55817 (December 10, 1987) the Commission found that COPT providers were public service corporation is subject to the jurisdiction of the Commission.
4. The Commission in Decision No. 57797 (April 8, 1992) adopted A.A.C. R14-2-901 through R14-2-909 to regulate COPT providers.
5. In Decision No. 53535 (February 14, 1994) the Commission adopted a Generic Tariff which establishes rates and minimum service standards applicable to COPT service.
6. Pursuant to A.R.S. § 40-282, the Commission may issue Decisions regarding COPT Certificates without a hearing.

7 On July 7, 1998, the Commission's Utilities Division Staff ("Staff") filed a Staff Report, recommending approval of the application to cancel Applicant's Certificate without a hearing.

8 According to Staff, Applicant has disposed of all pay telephone assets.

CONCLUSIONS OF LAW

1 Applicant is a public service corporation within the meaning of Article XV of the Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

2 The Commission has jurisdiction over Applicant and the subject matter of the application

3 The cancellation of Applicant's Certificate is in the public interest.

4 Staff's recommendation in Findings of Fact No. 7 is reasonable and should be adopted.

ORDER

IT IS THEREFORE ORDERED that the application of Samuel E. Cho dba SM Unlimited for the 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.

*James M. Davis*  
COMMISSIONER - CHAIRMAN

*[Signature]*  
COMMISSIONER

*Carl Hennrich*  
COMMISSIONER

IN WITNESS WHEREOF, I, JACK ROSE, 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 6th day of August, 1998.

*Jack Rose*  
JACK ROSE  
EXECUTIVE SECRETARY

DISSENT  
BMB:bbs

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SERVICE LIST FOR:

SAMUEL E. CHO DBA SM UNLIMITED

DOCKET NO :

T-03007A-98-0353

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