

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of the Cancellation of the )  
Certificates of Service Authority and )  
Tariff of SmartStop, Inc. )

Case No. TD-2007-\_\_\_\_\_

**MOTION TO OPEN CASE AND CANCEL CERTIFICATES OF SERVICE AUTHORITY  
AND ACCOMPANYING TARIFF**

**COMES NOW** the Staff of the Missouri Public Service Commission (Staff) and moves the Commission to open a case and cancel the Certificates of Service Authority it has granted to SmartStop, Inc., as well as the company's tariff. In support of its Motion, the Staff respectfully states as follows:

1. On May 20, 1998, in Case No. TA-98-371, the Missouri Public Service Commission (Commission) issued an order granting a certificate of service authority to SmartStop, Inc. to provide intrastate interexchange telecommunications services. The Commission approved the company's tariff, MPSC No. 1, in the same case.

2. On May 7, 1998, in Case No. TA-98-403, the Commission issued an order granting a certificate of service authority to SmartStop, Inc. to provide private pay telephone service.

3. Staff has now received a request from the president of SmartStop, Inc., Mark G. Gram, to cancel the company's certificates as the company ceased all activity in Missouri in August 2006. See Appendix A. Mr. Gram is reflected as the president of SmartStop, Inc. in the company's 2005 Annual Report submitted to the Commission and verified the report as the company's president; he is also reflected as the company's president in its most recent Annual Registration Report submitted to the Missouri Secretary of State.

4. The company is an Oregon corporation and is in good standing in Missouri according to the website of the Missouri Secretary of State. The company owes no annual reports or assessments to the Commission, and no customers have contacted the Commission to make complaints about SmartStop, Inc. since the commencement of the Commission's Electronic Filing and Information System.

5. The Commission has the authority to cancel a telecommunications corporation certificate pursuant to Section 392.410.5 RSMo (Supp. 2005), which provides:

Any certificate of service authority may be altered or modified by the commission after notice and hearing, upon its own motion or upon application of the person or company affected.

However, the Commission need not hold a hearing, if, after proper notice and opportunity to intervene, no party requests such a hearing. *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494 (Mo. App. 1989).

6. Copies of this Motion are being served upon the company's Missouri registered agent via certified mail; and also upon the company-provided address.

WHEREFORE, the Staff recommends the Commission cancel the Certificates of Service Authority it has granted to SmartStop, Inc. to provide intrastate interexchange telecommunications service in Case No. TA-98-371, as well as the company's tariff, MPSC No. 1; and to provide private pay telephone service in Case No. TA-98-403.

Respectfully submitted,

**/s/ David A. Meyer**

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David A. Meyer  
Senior Counsel  
Missouri Bar No. 46620

Attorney for the Staff of the  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102  
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### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed or electronically mailed to all parties of record as shown below this 30<sup>th</sup> day of January 2007.

**/s/ David A. Meyer**

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Office of the Public Counsel  
Governor Office Building, Suite 650  
200 Madison Street  
P. O. Box 7800  
Jefferson City, MO 65102

SmartStop, Inc.  
333 SW Taylor St., 3<sup>rd</sup> Fl.  
Portland, OR 97204-2446

National Registered Agents, Inc.  
Registered Agent for SmartStop, Inc.  
300-B East High Street  
Jefferson City, MO 65101  
*(via certified mail)*

**Meyer, David**

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**From:** Dietrich, Natelle\*  
**Sent:** Monday, January 29, 2007 8:25 AM  
**To:** Meyer, David; Kohly, Sherri  
**Subject:** FW: Missouri Public Service Commission Reporting

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**From:** Mark.Gram@JUBITZ.com [mailto:Mark.Gram@JUBITZ.com]  
**Sent:** Friday, January 26, 2007 4:19 PM  
**To:** Dietrich, Natelle\*  
**Subject:** RE: Missouri Public Service Commission Reporting Requirements

SmartStop ceased all activity and yes we would like both certificates cancelled. Thanks

Mark G. Gram  
Chief Financial Officer  
Jubitz Corporation  
PO Box 11264  
Portland, OR 97211-0264  
Phone: 503.345.0305  
Fax: 503.345.0310  
Email: [mark.gram@jubitz.com](mailto:mark.gram@jubitz.com)

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**From:** Dietrich, Natelle\* [mailto:natelle.dietrich@psc.mo.gov]  
**Sent:** Thursday, January 25, 2007 2:21 PM  
**To:** Mark.Gram@JUBITZ.com  
**Cc:** Meyer, David; Dietrich, Natelle\*  
**Subject:** RE: Missouri Public Service Commission Reporting Requirements

Mr. Gram,  
Thank you for your response. Our records indicate SmartStop has a payphone certificate and an interexchange certificate, neither of which has been cancelled. Revenues from payphone operations should not be included in MoUSF net jurisdictional revenue calculations. The only thing that would be reported are SmartStop's IXC revenues.

You indicate SmartStop ceased business in Missouri in August 2006. Did SmartStop cease all operations, or just payphone operations? If all operations have been ceased, the reconciliation issues are moot. If SmartStop still has an IXC operation, we will need an amended 2005 MoUSF net jurisdictional revenue form that includes only IXC revenues. I look forward to your clarification and any corrections.

If you would like either or both SmartStop certificates and tariffs cancelled, please let us know.

Thank you,

Natelle Dietrich

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**From:** Mark.Gram@JUBITZ.com [mailto:Mark.Gram@JUBITZ.com]  
**Sent:** Wednesday, January 24, 2007 6:29 PM  
**To:** Dietrich, Natelle\*  
**Subject:** RE: Missouri Public Service Commission Reporting Requirements

First, please understand that SmartStop has downsized substantially selling its payphones in all states but Oregon. We are doing the best we can handling all of the regulatory issue from the 39 states we are no longer doing business in as we wind down this part of our business. While I do not have detailed information in front of me nor the filings you reference,

1/29/2007

Appendix A

generally USF revenue includes all revenue generated by a phone and the PSC revenue only includes actually revenue collected in Missouri. Our payphones were in travel centers and the coin revenue is only a small part of the revenue. In addition the USF revenue is based on past revenue projected forward and payphone revenue has been on a steep decline. In addition the USF has been slow to adjust the records to show that we quit business in Missouri in August 2006. Please hit reply to all and I will get this @ SmartStop. Currently I am there only once a week for 4 hours but that is where all the records are.

Mark G. Gram  
Chief Financial Officer  
Jubitz Corporation  
PO Box 11264  
Portland, OR 97211-0264  
Phone: 503.345.0305  
Fax: 503.345.0310  
Email: [mark.gram@jubitz.com](mailto:mark.gram@jubitz.com)

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**From:** Dietrich, Natelle\* [<mailto:natelle.dietrich@psc.mo.gov>]  
**Sent:** Wednesday, January 24, 2007 9:25 AM  
**To:** [mark.gram@jubitz.com](mailto:mark.gram@jubitz.com)  
**Subject:** FW: Missouri Public Service Commission Reporting Requirements

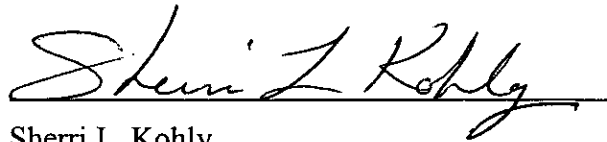
Mr. Gram,

I have received a response to my email below. I was given this email address as an additional attempt to contact you and get this matter resolved. Your immediate response is requested. Natelle Dietrich

**VERIFICATION**

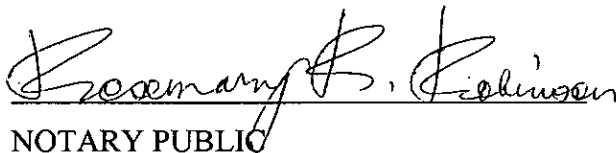
STATE OF MISSOURI   )  
                                  )  
COUNTY OF COLE     )

Comes now Sherri L. Kohly, employee of the Staff of the Missouri Public Service Commission, being of lawful age and after being duly sworn, states that the affiant has read the accompanying pleading, and that the facts therein are true and correct to the best of her knowledge.



Sherri L. Kohly  
Affiant

Subscribed and affirmed before me this 29<sup>th</sup> day of January 2007. I am commissioned as a notary public within the County of Cole, State of Missouri, and my commission expires on 9-23-2008.

  
NOTARY PUBLIC

