

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

IN THE MATTER OF THE APPLICATION OF )  
CINEMARK USA, INC. FOR AUTHORITY TO )  
ABANDON INTRASTATE INTEREXCHANGE ) PSC DOCKET NO. 13-107  
PAYPHONE SERVICES WITHIN THE STATE OF )  
DELAWARE (FILED MARCH 14, 2013 AND )  
AMENDED ON JUNE 24, 2013) )

**ORDER NO. 8409**

**AND NOW**, to-wit, this 16<sup>th</sup> day of July 2013;

**WHEREAS**, pursuant to the Delaware Code, 26 *Del. C.* §§203A, and the Regulations Governing Payphone Service Providers in Delaware, 26 *Del. Admin. C.* §4002, the Commission granted Cinemark a Certificate of Public Convenience and Necessity ("CPCN") to provide interexchange intrastate payphone services on September 17, 1999; and

**WHEREAS**, on March 14, 2013, Cinemark USA, Inc. ("Cinemark") filed an application seeking authority to abandon service within the State of Delaware ("Application") which the Delaware Public Service Commission Staff ("Staff") deemed to have deficiencies; and

**WHEREAS**, on June 24, 2013, Cinemark filed an amended application which the Staff reviewed and deemed to have no deficiencies; and

**WHEREAS**, 26 *Del. C.* §203A(c)(1) provides that no public utility shall abandon or discontinue, in whole or in part, any regulated public utility 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**, Cinemark filed with the Commission an application seeking the entry of an Order of the Commission canceling and terminating its CPCN; and

**WHEREAS**, Cinemark has asserted that it has **no** payphones and does not provide any payphone services in Delaware; and

**WHEREAS**, the Commission has determined that it should routinely approve applications to terminate CPCNs which were granted to provide interexchange intrastate payphone services so long as the applicant files an application and that, in a competitive market, such abandonment or discontinuance is presumptively reasonable, necessary, and not unduly disruptive to the present or future public convenience;

**NOW, THEREFORE, IT IS HEREBY ORDERED BY THE AFFIRMATIVE VOTE OF NOT FEWER THAN THREE COMMISSIONERS:**

1. That, upon express conditions that the representations in the application of Cinemark USA, Inc. are true and correct, said application filed by Cinemark USA, Inc. to abandon the provision of interexchange intrastate payphone services as a public utility is hereby granted and approved 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

/s/ Jeffrey J. Clark  
Commissioner

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Commissioner

ATTEST:

/s/ Alisa Carrow Bentley  
Secretary