

CARL J. KUNASEK
CHAIRMAN
JIM IRVIN
COMMISSIONER
WILLIAM A. MUNDELL
COMMISSIONER



0000000158

ARIZONA CORPORATION COMMISSION

DATE: DECEMBER 3, 1999

DOCKET NO: T-03050A-99-0628

TO ALL PARTIES:

Enclosed please find the recommendation of Hearing Officer Karen Nally. The recommendation has been filed in the form of an Order on:

JANET GERMANO dba EMPIRE COMMUNICATIONS
(CANCEL CC&N)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Hearing Officer by filing an original and ten (10) copies of the exceptions with the Commission's Docket Control at the address listed below by 10:00 a.m. on or before:

DECEMBER 13, 1999

The enclosed is NOT an order of the Commission, but a recommendation of the Hearing Officer to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Working Session and Open Meeting to be held on:

JANUARY 5, 2000 and JANUARY 6, 2000

For more information, you may contact Docket Control at (602)542-3477 or the Hearing Division at (602)542-4250.

A handwritten signature in black ink, appearing to read "Brian C. McNeil".

BRIAN C. McNEIL
EXECUTIVE SECRETARY

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 CARL J. KUNASEK
CHAIRMAN
3 JIM IRVIN
COMMISSIONER
4 WILLIAM A. MUNDELL
COMMISSIONER

5
6 IN THE MATTER OF THE APPLICATION OF
JANET GERMANO DBA EMPIRE
7 COMMUNICATIONS FOR THE
CANCELLATION OF THE CERTIFICATE OF
8 CONVENIENCE AND NECESSITY TO PROVIDE
CUSTOMER-OWNED PAY TELEPHONE
9 SERVICE IN THE STATE OF ARIZONA.

DOCKET NO. T-03050A-99-0628

DECISION NO. _____

ORDER

10 Open Meeting
January 5 and 6, 2000
11 Phoenix, Arizona

12 **BY THE COMMISSION:**

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

15 **FINDINGS OF FACT**

16 1. Janet Germano dba Empire Communications ("Applicant") has a Certificate of
17 Convenience and Necessity ("Certificate") to provide customer-owned pay telephone ("COPT")
18 service in the State of Arizona pursuant to Decision No. 59893 (November 26, 1996).

19 2. On November 2, 1999, Applicant filed an application for approval of the cancellation
20 of the Certificate.

21 3. In Decision No. 55817 (December 10, 1987), the Commission found that COPT
22 providers were public service corporations subject to the jurisdiction of the Commission.

23 4. Decision No. 57797 (April 8, 1992) adopted A.A.C. R14-2-901 through R14-2-909 to
24 regulate COPT providers.

25 5. Decision No. 58535 (February 14, 1994) adopted a Generic Tariff that establishes
26 rates and minimum service standards applicable to COPT service.

27 6. Pursuant to A.R.S. § 40-282, the Commission may issue Decisions regarding COPT
28 Certificates without a hearing.

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ORDER

IT IS THEREFORE ORDERED that the application of Janet Germano dba Empire Communications 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.

CHAIRMAN

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, 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 ____ day of _____, 2000.

BRIAN C. McNEIL
EXECUTIVE SECRETARY

DISSENT _____
KEN:dap

1 SERVICE LIST FOR:

EMPIRE COMMUNICATIONS

2

3 DOCKET NO.

T-03050A-99-0628

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5 EMPIRE COMMUNICATIONS
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