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Arizona Corporation Cor
DOCKETE

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

DEC 11 2000

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BRIAN C. McNEIL
EXECUTIVE SECRETARY

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ARIZONA CORPORATION COMMISSION

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AZ CORP COMMISSION
DOCUMENT CONTROL

DATE: December 11, 2000

DOCKET NO: T-02918A-00-0966

TO ALL PARTIES:

Enclosed please find the recommendation of Administrative Law Judge Jane Rodda. The recommendation has been filed in the form of an Order on:

MICHAEL GERBER dba KNUCKLE PHONES
(CANCEL CC&N)

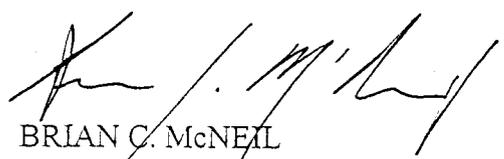
Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and ten (10) copies of the exceptions with the Commission's Docket Control at the address listed below by **4:00** p.m. on or before:

DECEMBER 21, 2000

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge 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 9, 2001 and JANUARY 10, 2001

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



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
MICHAEL GERBER DBA KNUCKLE PHONES.
7 FOR THE CANCELLATION OF THE
CERTIFICATE OF CONVENIENCE AND
8 NECESSITY TO PROVIDE CUSTOMER-OWNED
PAY TELEPHONE SERVICE IN THE STATE OF
9 ARIZONA.

DOCKET NO. T-02918A-00-0966

DECISION NO. _____

ORDER

10 Open Meeting
January 9 and 10, 2001
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. Michael Gerber dba Knuckle Phones. ("Applicant") has a Certificate of Convenience
17 and Necessity ("Certificate") to provide customer-owned pay telephone ("COPT") service in the
18 State of Arizona pursuant to Decision No. 59299 (September 22, 1995).

19 2. On November 27, 2000, Applicant filed with Docket Control of the Commission an
20 application for approval for the cancellation 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.

ORDER

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IT IS THEREFORE ORDERED that the application of Michael Gerber dba Knuckle Phones for the cancellation of the Certificate of Convenience and Necessity 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 _____, 2001.

BRIAN C. McNEIL
EXECUTIVE SECRETARY

DISSENT _____
JR:dap

1 SERVICE LIST FOR: MICHAEL GERBER dba KNUCKLE PHONES

2 DOCKET NO.: T-02918A-00-0966

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