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WILLIAM
CHAIRMAN
JIM IRVIN
COMMISSIONER
MARC SPITZER
COMMISSIONER



BRIAN C. McNEIL
EXECUTIVE SECRETARY

COPT-22

ARIZONA CORPORATION COMMISSION

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TO ALL PARTIES:

Arizona Corporation Commission
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Enclosed please find the recommendation of Administrative Law Judge Alicia Grantham. The recommendation has been filed in the form of an Order on:

ROBERT AND GINGER DEBENEDETTO
(CC&N/COPT)

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:

MARCH 23, 2001

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:

MARCH 27, 2001 and MARCH 28, 2001

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

Brian C. McNeil
BRIAN C. McNEIL
EXECUTIVE SECRETARY

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 WILLIAM A. MUNDELL
CHAIRMAN
3 JIM IRVIN
COMMISSIONER
4 MARC SPITZER
COMMISSIONER
5

6 IN THE MATTER OF THE APPLICATION OF LA
ROBERT AND GINGER DEBENEDETTO FOR A
7 CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE CUSTOMER-OWNED
8 PAY TELEPHONE SERVICE IN THE STATE OF
ARIZONA.

DOCKET NO. T-03921A-00-0641

DECISION NO. _____

ORDER

9 Open Meeting
10 March 27 and 28, 2001
Phoenix, Arizona

11 **BY THE COMMISSION:**

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

14 **FINDINGS OF FACT**

15 1. On August 30, 2000, Robert and Ginger DeBenedetto ("Applicant") filed with the
16 Commission an application for a Certificate of Convenience and Necessity ("Certificate") to provide
17 customer-owned pay telephone ("COPT") service in the State of Arizona.

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

20 3. Decision No. 57797 (April 8, 1992) adopted A.A.C. R14-2-901 through R14-2-909 to
21 regulate COPT providers.

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

24 5. Pursuant to A.R.S. § 40-282, the Commission may issue Decisions regarding COPT
25 Certificates without a hearing.

26 6. Applicant has requested that a Certificate be granted and has indicated that it will
27 provide COPT service pursuant to the rates, terms and conditions specified in the Generic COPT
28 Tariff.

1 be adopted.

2 **ORDER**

3 IT IS THEREFORE ORDERED that the application of Robert and Ginger DeBenedetto for a
4 Certificate of Convenience and Necessity to provide customer-owned pay telephone service shall be,
5 and is hereby, approved, conditioned upon Robert and Ginger DeBenedetto filing a customer
6 information placard approved by the Director of the Utilities Division for compliance with the
7 requirements of the Generic COPT Tariff within 60 days of the effective date of this Decision.

8 IT IS FURTHER ORDERED that Robert and Ginger DeBenedetto shall comply with the
9 terms of the Generic COPT Tariff, unless otherwise ordered by the Commission.

10 IT IS FURTHER ORDERED that Robert and Ginger DeBenedetto shall file the following
11 FVRB information within 18 months of the date that they first provide service. The FVRB shall
12 include a dollar amount representing the total revenue for the first twelve months of
13 telecommunications service provided to Arizona customers by Robert and Ginger DeBenedetto
14 following certification, adjusted to reflect the maximum rates that Robert and Ginger DeBenedetto
15 requests in its tariff. This adjusted total revenue figure could be calculated as the number of units
16 sold for all services offered times the maximum charge per unit. Robert and Ginger DeBenedetto
17 shall also file FVRB information detailing the total actual operating expenses for the first twelve
18 months of telecommunications service provided to Arizona customers by Robert and Ginger
19 DeBenedetto following certification. Robert and Ginger DeBenedetto shall also file FVRB
20 information which includes a description and value of all assets, including plant, equipment, and
21 office supplies to be used to provide telecommunications service to Arizona customers for the first
22 twelve months following Robert and Ginger DeBenedetto's certification.

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1 IT IS FURTHER ORDERED that within 90 days of the effective date of this Decision, Robert
2 and Ginger DeBenedetto shall notify the Compliance Section of the Arizona Corporation
3 Commission of the date that it will begin or has begun providing service to Arizona customers.

4 IT IS FURTHER ORDERED that this Decision shall become effective immediately.

5 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.
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7

8 CHAIRMAN COMMISSIONER COMMISSIONER
9

10
11 IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive
12 Secretary of the Arizona Corporation Commission, have
13 hereunto set my hand and caused the official seal of the
14 Commission to be affixed at the Capitol, in the City of Phoenix,
15 this ____ day of _____, 2001.

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17 BRIAN C. McNEIL
18 EXECUTIVE SECRETARY

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1 SERVICE LIST FOR: ROBERT AND GINGER DEBENEDETTO

2 DOCKET NO. T-03921A-00-0641

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