

Decision folder



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Arizona Corporation Commission
THE ARIZONA CORPORATION COMMISSION
DOCKETED

MAR 30 2001

2 WILLIAM A. MUNDELL
CHAIRMAN
3 JIM IRVIN
COMMISSIONER
4 MARC SPITZER
COMMISSIONER
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DOCKETED BY *sd*

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

DOCKET NO. T-03970A-00-1008

DECISION NO. 63522

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 December 11, 2000, Bradford Communications ("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 7. Applicant is a sole proprietorship.

2 8. Applicant does not currently provide COPT services in Arizona.

3 9. Applicant plans to provide end-users with 0+, 1+, local, calling card, long distance
4 service, and operator-assisted calls. A minimum of three-minute time limit will be allowed on local
5 calls.

6 10. On August 29, 2000, the Court of Appeals, Division One ("Court") issued its Opinion
7 in US WEST Communications, Inc. v. Arizona Corporation Commission, 1 CA-CV 98-0672, holding
8 that "the Arizona Constitution requires the Commission to determine fair value rate base ("FVRB")
9 for all public service corporations in Arizona prior to setting their rates and charges."

10 11. On October 26, 2000, the Commission filed a Petition for Review to the Arizona
11 Supreme Court. On February 13, 2001, the Commission's Petition was granted. However, at this
12 time, we are going to request FVRB information to insure compliance with the Constitution should
13 the ultimate decision of the Supreme Court affirm the Court's interpretation of Section 14. We are
14 also concerned that the cost and complexity of FVRB determinations must not offend the
15 Telecommunications Act of 1996.

16 12. On December 19, 2000, the Commission's Utilities Division Staff ("Staff") filed a
17 Staff Report, recommending approval of the application without a hearing.

18 13. Staff recommended that the Commission order Applicant to file a copy of its customer
19 information placard, in compliance with the Generic Tariff.

20 CONCLUSIONS OF LAW

21 1. Applicant is a public service corporation within the meaning of Article XV of the
22 Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

23 2. The Commission has jurisdiction over Applicant and the subject matter of the
24 application.

25 3. The provision of COPT service in Arizona by Applicant is in the public interest.

26 4. Applicant is a fit and proper entity to receive a Certificate for providing COPT service
27 in Arizona.

28 5. Staff's recommendations in Findings of Fact No. 12 and 13 are reasonable and should

1 be adopted.

2 **ORDER**

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

8 IT IS FURTHER ORDERED that Bradford Communications shall comply with the terms of
9 the Generic COPT Tariff, unless otherwise ordered by the Commission.

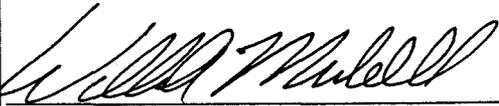
10 IT IS FURTHER ORDERED that Bradford Communications shall file the following FVRB
11 information within 18 months of the date that it first provides service. The FVRB shall include a
12 dollar amount representing the total revenue for the first twelve months of telecommunications
13 service provided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

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1 IT IS FURTHER ORDERED that within 90 days of the effective date of this Decision,
2 Bradford Communications 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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8 CHAIRMAN

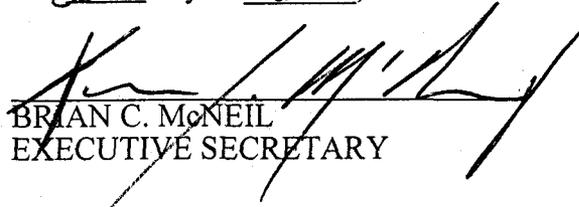


COMMISSIONER



COMMISSIONER

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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 30th day of March, 2001.

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BRIAN C. McNEIL
EXECUTIVE SECRETARY

17 DISSENT _____
18 AG:mlj

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1 SERVICE LIST FOR: BRADFORD COMMUNICATIONS

2 DOCKET NO. T-03970A-00-1008

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