

OPEN MEETING ITEM



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COMMISSIONERS  
MARC SPITZER - Chairman  
WILLIAM A. MUNDELL  
JEFF HATCH-MILLER  
MIKE GLEASON  
KRISTIN K. MAYES

ORIGINAL



ARIZONA CORPORATION COMMISSION

DATE: November 5, 2004

DOCKET NO: T-04270A-04-0588

TO ALL PARTIES:

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

WEILCO PAIT, LTD.  
(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 thirteen (13) copies of the exceptions with the Commission's Docket Control at the address listed below by 4:00 p.m. on or before:

NOVEMBER 15, 2004

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:

NOVEMBER 23 AND 24, 2004

For more information, you may contact Docket Control at (602)542-3477 or the Hearing Division at (602)542-4250. For information about the Open Meeting, contact the Executive Secretary's Office at (602) 542-3931.

Arizona Corporation Commission

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BRIAN C. McNEIL  
EXECUTIVE SECRETARY

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This document is available in alternative formats by contacting Linda Hogan, ADA Coordinator, voice phone number 602-542-3931, E-mail LHogan@cc.state.az.us

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 COMMISSIONERS

3 MARC SPITZER, Chairman  
4 WILLIAM A. MUNDELL  
5 JEFF HATCH-MILLER  
6 MIKE GLEASON  
7 KRISTIN K. MAYES

8 IN THE MATTER OF THE APPLICATION OF  
9 WEILCO PAIT, LTD. FOR A CERTIFICATE OF  
10 CONVENIENCE AND NECESSITY TO PROVIDE  
11 CUSTOMER-OWNED PAY TELEPHONE  
12 SERVICE IN THE STATE OF ARIZONA.

DOCKET NO. T-04270A-04-0588

DECISION NO. \_\_\_\_\_

9 ORDER

10 Open Meeting  
11 November 23 and 34, 2004  
12 Phoenix, Arizona

12 **BY THE COMMISSION:**

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

15 FINDINGS OF FACT

16 1. On August 9, 2004, WeilCo PAIT, Ltd. ("Applicant") filed with the Arizona  
17 Corporation Commission ("Commission") an application for a Certificate of Convenience and  
18 Necessity ("Certificate") to provide customer-owned pay telephone ("COPT") service in the State of  
19 Arizona.

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

22 3. In Decision No. 57797 (April 8, 1992), the Commission adopted A.A.C. R14-2-901  
23 through R14-2-909 to regulate COPT providers.

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

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

28 6. Applicant has requested that a Certificate be granted and has indicated that it will

1 provide COPT service pursuant to the rates, terms and conditions specified in the Generic COPT Tariff.

2 7. Applicant has payphone locations and submitted certification that it posted the  
3 required Notice of Application at its payphone locations.

4 8. On October 29, 2004, the Commission's Utilities Division Staff ("Staff") filed a Staff  
5 Report recommending approval of the application without a hearing.

6 9. Staff stated that the Applicant has provided a copy of its customer information placard  
7 in compliance with the Generic Tariff.

8 10. Staff also stated that increased pay telephone availability is in the public interest.

9 **CONCLUSIONS OF LAW**

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

12 2. The Commission has jurisdiction over Applicant and the subject matter of the  
13 application.

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

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

17 5. Staff's recommendation in Findings of Fact No. 8 is reasonable and should be  
18 adopted.

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**ORDER**

IT IS THEREFORE ORDERED that the Application of WeilCo PAIT, Ltd. for a Certificate of Convenience and Necessity for authority to provide customer-owned pay telephone service in Arizona shall be, and the same is, hereby granted.

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

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

CHAIRMAN	COMMISSIONER	COMMISSIONER
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 \_\_\_\_\_, 2004.

\_\_\_\_\_  
BRIAN C. McNEIL  
EXECUTIVE SECRETARY

DISSENT \_\_\_\_\_

DISSENT \_\_\_\_\_  
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SERVICE LIST FOR: WEILCO PAIT, LTD.

DOCKET NO: T-04270A-04-0588

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