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BEFORE THE ARIZONA CORPORATION COMMISSION

DOCKETED

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WILLIAM A. MUNDELL  
CHAIRMAN  
JIM IRVIN  
COMMISSIONER  
MARC SPITZER  
COMMISSIONER

DOCKETED BY

IN THE MATTER OF THE APPLICATION OF  
GARY R. TULLEYS DBA COMMUNITY PAY  
PHONE SYSTEMS FOR THE CANCELLATION  
OF THE CERTIFICATE OF CONVENIENCE AND  
NECESSITY TO PROVIDE CUSTOMER-OWNED  
PAY TELEPHONE SERVICE IN THE STATE OF  
ARIZONA.

DOCKET NO. T-03271A-01-0162

DECISION NO. 65358

ORDER

Open Meeting  
October 29 and 30, 2002  
Phoenix, Arizona

**BY THE COMMISSION:**

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

FINDINGS OF FACT

1. Gary R. Tulleys dba Community Pay Phone Systems ("Applicant") has a Certificate of Convenience and Necessity ("Certificate") to provide customer-owned pay telephone ("COPT") service in the State of Arizona pursuant to Decision No. 59892 (November 26, 1996).
2. On February 23, 2001, Applicant filed with Docket Control of the Commission an application for approval of the cancellation of the Certificate, indicating that it no longer provides COPT service in the State of Arizona.
3. On March 9, 2001, the Commission's Utilities Division Staff ("Staff") filed a Staff Report, recommending approval of the application to cancel Applicant's Certificate without a hearing.

CONCLUSIONS OF LAW

1. Applicant is a public service corporation within the meaning of Article XV of the Arizona Constitution and A.R.S. §§ 40-281 and 40-282.
2. The Commission has jurisdiction over Applicant and the subject matter of the

1 application.

2 3. The cancellation of Applicant's Certificate is in the public interest.

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

5 5. Staff's recommendation in Findings of Fact No. 3 is reasonable and should be  
6 adopted.

7 **ORDER**

8 IT IS THEREFORE ORDERED that the application of Gary R. Tulleys dba Community Pay  
9 Phone Systems for the cancellation of the Certificate of Convenience and Necessity to provide  
10 customer-owned pay telephone service shall be, and is hereby, approved.

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

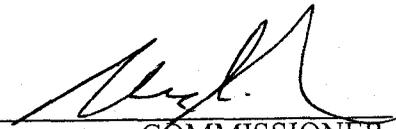
12 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

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15 CHAIRMAN

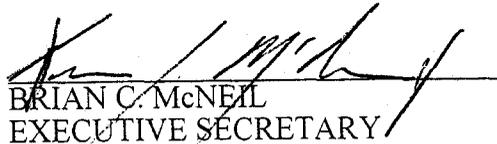
14 \_\_\_\_\_

15 COMMISSIONER

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15 COMMISSIONER

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18 IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive  
19 Secretary of the Arizona Corporation Commission, have  
20 hereunto set my hand and caused the official seal of the  
21 Commission to be affixed at the Capitol, in the City of Phoenix,  
22 this 1<sup>st</sup> day of November, 2002.

21   
22 BRIAN C. McNEIL  
23 EXECUTIVE SECRETARY

24 DISSENT \_\_\_\_\_  
25 MES:dap

1 SERVICE LIST FOR:

GARY R. TULLEYS dba COMMUNITY PAY PHONE  
SYSTEMS

2 DOCKET NO.:

T-03271A-01-0162

3  
4 Gary R. Tulleys  
5 dba COMMUNITY PAY PHONE SYSTEMS  
6 7385 E. Scenic Way  
7 Prescott Valley, Arizona 86314

8 Christopher Kempley, Chief Counsel  
9 Legal Division  
10 ARIZONA CORPORATION COMMISSION  
11 1200 West Washington Street  
12 Phoenix, Arizona 85007

13 Ernest Johnson, Director  
14 Utilities Division  
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