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WILLIAM A. MUNDELL  
CHAIRMAN  
JIM IRVIN  
COMMISSIONER  
MARC SPITZER  
COMMISSIONER



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ARIZONA CORPORATION COMMISSION

2001 MAY -7 A 9: 27

Arizona Corporation Commission

DATE: MAY 7, 2001

DOCKETED

AZ CORP COMMISSION  
DOCUMENT CONTROL

DOCKET NOS: T-0396TA-00-0933

MAY 07 2001

TO ALL PARTIES:

DOCKETED BY	<i>sd</i>
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Enclosed please find the recommendation of Administrative Law Judge Stephen Gibelli. The recommendation has been filed in the form of an Order on:

EARLAND E. CASS  
(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:

MAY 16, 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:

MAY 22, 2001 AND MAY 23, 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 WILLIAM A. MUNDELL  
CHAIRMAN

3 JIM IRVIN  
COMMISSIONER

4 MARC SPITZER  
COMMISSIONER

5  
6 IN THE MATTER OF THE APPLICATION OF  
EARLAND E. CASS FOR A CERTIFICATE OF  
7 CONVENIENCE AND NECESSITY TO PROVIDE  
CUSTOMER-OWNED PAY TELEPHONE  
8 SERVICE IN THE STATE OF ARIZONA

DOCKET NO. T-03961A-00-0933

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

**ORDER**

9 Open Meeting  
May 21 and 22, 2001  
10 Phoenix, Arizona

**BY THE COMMISSION:**

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

**FINDINGS OF FACT**

13  
14 1. On November 15, 2000, Earland E. Cass ("Applicant") filed with the Commission an  
15 application for a Certificate of Convenience and Necessity ("Certificate") to provide customer-owned  
16 pay telephone ("COPT") service in the State of Arizona.

17  
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  
21 3. In Decision No. 57797 (April 8, 1992), the Commission adopted A.A.C. R14-2-901  
22 through R14-2-909 to regulate COPT providers.

23  
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  
27 5. Pursuant to A.R.S. § 40-282, the Commission may issue Decisions regarding COPT  
28 Certificates without a hearing.

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

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7. Applicant does not presently provide COPT services in Arizona.

8. On November 21, 2000, the Commission's Utilities Division Staff ("Staff") filed a Staff Report, recommending approval of the application without a hearing.

9. Staff stated that the Applicant has not provided a copy of its customer information placard in compliance with the Generic Tariff and recommends that the Applicant be ordered to file its customer information placard with Staff for approval within 30 days.

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

**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 application.

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

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

5. Staff's recommendations in Findings of Fact No. 8 and 9 are reasonable and should be adopted.

**ORDER**

IT IS THEREFORE ORDERED that the Application of Earland E. Cass 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, conditioned upon Earland E. Cass filing a customer information placard approved by the Director of the Utilities Division for compliance with the requirements of the Generic COPT Tariff within 30 days of the effective date of this Decision.

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IT IS FURTHER ORDERED that the Application of Earland E. Cass for a Certificate of Convenience and Necessity for authority to provide customer-owned pay telephone service in Arizona shall be granted subject to the condition that Earland E. Cass shall file the following FVRB information within 18 months of the date that it first provides service. The FVRB shall include a dollar amount representing the total revenue for the first twelve months of telecommunications service provided to Arizona customers by Earland E. Cass following certification. Earland E. Cass shall also file FVRB information detailing the total actual operating expenses for the first twelve months of telecommunications service provided to Arizona customers by Earland E. Cass following certification. Earland E. Cass shall also file FVRB information which includes a description and value of all assets, including plant, equipment, and office supplies, used to provide telecommunications service to Arizona customers for the first twelve months following Earland E. Cass's certification.

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.

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BRIAN C. McNEIL  
EXECUTIVE SECRETARY

DISSENT \_\_\_\_\_  
SG:mlj

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SERVICE LIST FOR: EARLAND E. CASS

DOCKET NO.: T-03961A-00-0933

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