

WILLIAM A. MUNDELL
CHAIRMAN
JIM IRVIN
COMMISSIONER
MARC SPITZER
COMMISSIONER

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ARIZONA CORPORATION COMMISSION
OPEN MEETING ITEM



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ARIZONA CORPORATION COMMISSION 2001 JUN 11 A 10:59

AZ CORP COMMISSION
DOCUMENT CONTROL

DATE: JUNE 11, 2001
DOCKET NO: T-03644A-01-0077
TO ALL PARTIES:

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

STEVE A. CUNNINGHAM dba SALCOM
(CANCEL CC&N)

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:

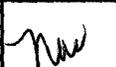
JUNE 20, 2001

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:

JUNE 26, 2001 AND JUNE 27, 2001

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

Arizona Corporation Commission
DOCKETED
JUN 11 2001

DOCKETED BY 


BRIAN C. McNEIL
EXECUTIVE SECRETARY

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 WILLIAM A. MUNDELL
CHAIRMAN
3 JIM IRVIN
COMMISSIONER
4 MARC SPITZER
COMMISSIONER
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6 IN THE MATTER OF THE APPLICATION OF
STEVE A. CUNNINGHAM D/B/A SALCOM FOR
7 THE CANCELLATION OF THE CERTIFICATE
OF CONVENIENCE AND NECESSITY TO
8 PROVIDE CUSTOMER-OWNED PAY
TELEPHONE SERVICE IN THE STATE OF
ARIZONA.

DOCKET NO. T-03644A-01-0077

DECISION NO. _____

ORDER

9
10 Open Meeting
June 26 and 27, 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. Steve A. Cunningham d/b/a Salcom ("Applicant") has a Certificate of Convenience
16 and Necessity ("Certificate") to provide customer-owned pay telephone ("COPT") service in the
17 State of Arizona pursuant to Decision No. 61338 (January 8, 1999).
- 18 2. On January 24, 2001, Applicant filed with the Commission an application for approval
19 of the cancellation of the Certificate, indicating that it no longer provides COPT service in the State
20 of Arizona.
- 21 3. In Decision No. 55817 (December 10, 1987), the Commission found that COPT
22 providers were public service corporations subject to the jurisdiction of the Commission.
- 23 4. Decision No. 57797 (April 8, 1992) adopted A.A.C. R14-2-901 through R14-2-909 to
24 regulate COPT providers.
- 25 5. Decision No. 58535 (February 14, 1994) adopted a Generic Tariff that establishes
26 rates and minimum service standards applicable to COPT service.
- 27 6. Pursuant to A.R.S. § 40-282, the Commission may issue Decisions regarding COPT
28

1 Certificates without a hearing.

2 7. On January 29, 2001, the Commission's Utilities Division Staff ("Staff") filed a Staff
3 Report, recommending approval of the application to cancel Applicant's Certificate without a
4 hearing.

5 **CONCLUSIONS OF LAW**

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

8 2. The Commission has jurisdiction over Applicant and the subject matter of the
9 application.

10 3. Staff's recommendation in Findings of Fact No. 7 is reasonable and should be
11 adopted.

12 4. The cancellation of Applicant's Certificate is in the public interest.

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1 SERVICE LIST FOR:

STEVE A. CUNNINGHAM D/B/A SALCOM

2 DOCKET NO.:

T-03644A-01-0077

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