

WILLIAM A. MUNDELL
CHAIRMAN
JIM IRVIN
COMMISSIONER
MARC SPITZER
COMMISSIONER



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ARIZONA CORPORATION COMMISSION JUN 11 11 AM '00

DATE: JUNE 11, 2001
DOCKET NO: T-02794A-01-0081

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:

AG TELECOM, INC.
(CANCEL CC&N)

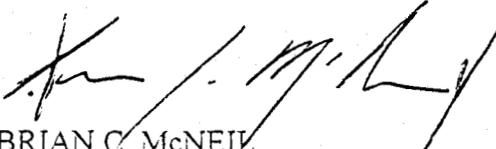
Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and ten (10) copies of the exceptions with the Commission's Docket Control at the address listed below by 4:00 p.m. on or before:

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.


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 AG
TELECOM, INC. FOR THE CANCELEATION OF
7 THE CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE CUSTOMER-OWNED
8 PAY TELEPHONE SERVICE IN THE STATE OF
ARIZONA.

DOCKET NO. T-02794A-01-0081

DECISION NO. _____

ORDER

9 Open Meeting
10 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. AG Telecom, Inc. ("Applicant") has a Certificate of Convenience and Necessity
16 ("Certificate") to provide customer-owned pay telephone ("COPT") service in the State of Arizona
17 pursuant to Decision No. 58998 (February 24, 1995).

18 2. On January 25, 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 Certificates without a hearing.

1 7. On January 30, 2001, the Commission's Utilities Division Staff ("Staff") filed a Staff
2 Report, recommending approval of the application to cancel Applicant's Certificate without a
3 hearing.

4 CONCLUSIONS OF LAW

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

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

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

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

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ORDER

IT IS THEREFORE ORDERED that the application of AG Telecom, Inc. for the cancellation of the Certificate of Convenience and Necessity to provide customer-owned pay telephone service shall be, and is hereby, approved.

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.

BRIAN C. McNEIL
EXECUTIVE SECRETARY

DISSENT _____
SG:

1 SERVICE LIST FOR:

AG TELECOM, INC.

2 DOCKET NO.:

T-02794A-01-0081

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