



0000033008

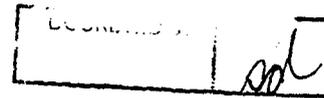
Arizona Corporation Commission

**BEFORE THE ARIZONA CORPORATION COMMISSION**

APR 21 1999

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

JIM IRVIN  
COMMISSIONER-CHAIRMAN  
TONY WEST  
COMMISSIONER  
CARL J. KUNASEK  
COMMISSIONER



IN THE MATTER OF THE APPLICATION OF  
WILLIAM G. HAMM DBA HAM COMM FOR  
THE SALE OF ASSETS AND CANCELLATION  
OF THE CERTIFICATE OF CONVENIENCE AND  
NECESSITY TO PROVIDE CUSTOMER-OWNED  
PAY TELEPHONE SERVICE IN THE STATE OF  
ARIZONA.

DOCKET NO. T-03436A-99-0099

DECISION NO. 61654

**ORDER**

Open Meeting  
April 19 and 20, 1999  
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. William G. Hamm dba Ham Comm ("Applicant") is a sole proprietorship that 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. 60462 (October 21, 1997).
2. On February 17, 1999, Applicant submitted to Docket Control an application for approval of the sale of assets and cancellation of the Certificate. The application was docketed on February 19, 1999.
3. In Decision No. 55817 (December 10, 1987), the Commission found that COPT providers were public service corporations subject to the jurisdiction of the Commission.
4. Decision No. 57797 (April 8, 1992) adopted A.A.C. R14-2-901 through R14-2-909 to regulate COPT providers.
5. Decision No. 58535 (February 14, 1994) adopted a Generic Tariff that establishes rates and minimum service standards applicable to COPT service.
6. Pursuant to A.R.S. § 40-282, the Commission may issue Decisions regarding COPT

1 Certificates without a hearing.

2 7. On March 12, 1999, the Commission's Utilities Division Staff ("Staff") filed a Staff  
3 Report, recommending approval of the application to sell assets and cancel Applicant's Certificate  
4 without a hearing.

5 8. According to Staff, Applicant has sold its assets to James A. Hall dba Action Vending,  
6 which is certificated to provide COPT service pursuant to Decision No. 59282 (September 20, 1995).

7 CONCLUSIONS OF LAW

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

10 2. The Commission has jurisdiction over Applicant and the subject matter of the  
11 application.

12 3. The sale of assets and cancellation of Applicant's Certificate is in the public interest.

13 4. Staff's recommendation in Findings of Fact No. 7 is reasonable and should be  
14 adopted.

15 ...

16 ...

17 ...

18 ...

19 ...

20 ...

21 ...

22 ...

23 ...

24 ...

25 ...

26 ...

27 ...

28 ...

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ORDER**

IT IS THEREFORE ORDERED that the application of William G. Hamm dba Ham Comm for the sale of assets and cancellation of the Certificate 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.

COMMISSIONER-CHAIRMAN

  
COMMISSIONER

  
COMMISSIONER

IN WITNESS WHEREOF, I, STUART R. BRACKNEY, Acting 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 21 day of April, 1999.

  
STUART R. BRACKNEY  
ACTING EXECUTIVE SECRETARY

DISSENT \_\_\_\_\_  
BMB:bbs

1 SERVICE LIST FOR:

WILLIAM G. HAMM DBA HAM COMM

2 DOCKET NO.

T-03436A-99-0099

3 William G. Hamm  
4 HAM COMM  
5 P.O. Box 501  
6 Marana, Arizona 85653

7 Paul Bullis, Chief Counsel  
8 Legal Division  
9 ARIZONA CORPORATION COMMISSION  
10 1200 West Washington Street  
11 Phoenix, Arizona 85007

12 Director, Utilities Division  
13 ARIZONA CORPORATION COMMISSION  
14 1200 West Washington Street  
15 Phoenix, Arizona 85007

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33