

OPEN MEETING ITEM
ORIGINAL



0000035198

COMMISSIONERS
JEFF HATCH-MILLER - Chairman
WILLIAM A. MUNDELL
MARC SPITZER
MIKE GLEASON
KRISTIN K. MAYES



ARIZONA CORPORATION COMMISSION

RECEIVED

22

2005 NOV 17 P 3:14

DATE: November 17, 2005

AZ CORP COMMISSION
DOCUMENT CONTROL

DOCKET NO: T-04170A-03-0141

TO ALL PARTIES:

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

KPV ENTERPRISES, LLC
(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 thirteen (13) copies of the exceptions with the Commission's Docket Control at the address listed below by 4:00 p.m. on or before:

NOVEMBER 28, 2005

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 Open Meeting to be held on:

DECEMBER 6 AND 7, 2005

For more information, you may contact Docket Control at (602)542-3477 or the Hearing Division at (602)542-4250. For information about the Open Meeting, contact the Executive Director's Office at (602) 542-3931.


BRIAN C. McNEIL
EXECUTIVE DIRECTOR

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 COMMISSIONERS

3 JEFF HATCH-MILLER, Chairman
4 WILLIAM A. MUNDELL
5 MARC SPITZER
6 MIKE GLEASON
7 KRISTIN K. MAYES

8 IN THE MATTER OF THE APPLICATION OF
9 KPV ENTERPRISES, LLC FOR A CERTIFICATE
10 OF CONVENIENCE AND NECESSITY TO
11 PROVIDE CUSTOMER-OWNED PAY
12 TELEPHONE SERVICE IN THE STATE OF
13 ARIZONA.

DOCKET NO. T-04170A-03-0141

DECISION NO. _____

ORDER

14 Open Meeting
15 December 6 and 7, 2005
16 Phoenix, Arizona

17 **BY THE COMMISSION:**

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

20 **FINDINGS OF FACT**

21 1. On March 4, 2003, KPV Enterprises, LLC ("Applicant") filed with the Arizona
22 Corporation Commission ("Commission") an application for a Certificate of Convenience and
23 Necessity ("Certificate") to provide customer-owned pay telephone ("COPT") service in the State of
24 Arizona.

25 2. In Decision No. 55817 (December 10, 1987), the Commission found that COPT
26 providers were public service corporations subject to the jurisdiction of the Commission.

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

4. Decision No. 58535 (February 14, 1994) adopted a Generic Tariff that establishes
rates and minimum service standards applicable to COPT service.

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

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 KPV Enterprises, LLC 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.

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

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

CHAIRMAN

COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Director 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 _____, 2005.

BRIAN C. McNEIL
EXECUTIVE DIRECTOR

DISSENT _____

DISSENT _____

AB:mj

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

SERVICE LIST FOR: KPV Enterprises, LLC

DOCKET NO: T-04170A-03-0141

Michael Gray
KPV Enterprises, LLC
1264 Rocky Hill Road
Knoxville, TN 37919

Christopher Kempley, Chief Counsel
Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007

Ernest G. Johnson, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007