

OPEN MEETING ITEM

ORIGINAL



0000035761

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



ARIZONA CORPORATION COMMISSION

22

DATE: December 16, 2005

DOCKET NO: T-02894A-05-0789

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:

PAUL J. PHILLIPS dba PHILMAR COMMUNICATIONS

(CC&N CANCELLATION)

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:

DECEMBER 27, 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:

JANUARY 24 AND 25, 2006

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.

RECEIVED

2005 DEC 16 A 9 49

AZ CORP COMMISSION  
DOCUMENT CONTROL

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 PAUL J. PHILLIPS dba PHILMAR  
10 COMMUNICATIONS FOR THE  
11 CANCELLATION OF THE CERTIFICATE OF  
12 CONVENIENCE AND NECESSITY TO PROVIDE  
13 CUSTOMER-OWNED PAY TELEPHONE  
14 SERVICE IN THE STATE OF ARIZONA.

DOCKET NO. T-02894A-05-0789

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

**ORDER**

15 Open Meeting  
16 January 24 and 25, 2005  
17 Phoenix, Arizona

18 **BY THE COMMISSION:**

19 Having considered the entire record herein and being fully advised in the premises, the  
20 Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

21 **FINDINGS OF FACT**

22 1. Paul J. Phillips dba Philmar Communications ("Applicant") has a Certificate of  
23 Convenience and Necessity ("Certificate") to provide customer-owned pay telephone ("COPT")  
24 service in the State of Arizona pursuant to Decision No. 59195 (August 8, 1995).

25 2. On October 27, 2005, Applicant filed with the Commission an application for  
26 cancellation of its Certificate. Applicant indicated that it no longer provides COPT service in the  
27 State of Arizona.

28 3. On December 7, 2005, the Commission's Utilities Division Staff ("Staff") filed a Staff  
Report, recommending approval of the application to cancel Applicant's Certificate without a  
hearing.

**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

1 application.

2 3. The cancellation of Applicant's Certificate is in the public interest.

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

5 5. Staff's recommendation in Findings of Fact No. 3 is reasonable and should be  
6 adopted.

7 **ORDER**

8 IT IS THEREFORE ORDERED that the application of Paul J. Phillips dba Philmar  
9 Communications for the cancellation of the Certificate of Convenience and Necessity to provide  
10 customer-owned pay telephone service shall be, and is hereby, approved.

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

12 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

13  
14 \_\_\_\_\_  
CHAIRMAN

COMMISSIONER

15  
16 \_\_\_\_\_  
COMMISSIONER

COMMISSIONER

COMMISSIONER

17  
18 IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive  
19 Director of the Arizona Corporation Commission, have  
20 hereunto set my hand and caused the official seal of the  
21 Commission to be affixed at the Capitol, in the City of Phoenix,  
22 this \_\_\_\_ day of \_\_\_\_\_, 2006.

23 \_\_\_\_\_  
24 BRIAN C. McNEIL  
25 EXECUTIVE DIRECTOR

26  
27 DISSENT \_\_\_\_\_

28  
DISSENT \_\_\_\_\_

AB:mj

1 SERVICE LIST FOR: PAUL FOGGE dba WOD SYSTEMS

2 DOCKET NO.: T-02891A-05-0807

3 Paul J. Phillips  
4 4635 West Port Au Prince Lane  
5 Glendale, AZ 85306

6 Christopher Kempley, Chief Counsel  
7 Legal Division  
8 ARIZONA CORPORATION COMMISSION  
9 1200 West Washington Street  
10 Phoenix, Arizona 85007

11 Ernest G. Johnson, Director  
12 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