

NEW APPLICATION
ORIGINAL
RECEIVED



TEL: 212.607.2004
FAX: 212.635.5074



2006 MAR -3 P 3: 38

AZ CORP COMMISSION
DOCUMENT CONTROL

February 28, 2006

T-20444A-06-0128

To Whom It May Concern:

Please send all correspondence regarding this application to the following:

Empire Payphones, Inc.
C/O Susan Duggan – Regulatory Administrator
1490 Westfork Drive
Suite G
Lithia Springs, GA 30122

If you need further assistance or information, please contact Susan Duggan at (770) 819-1600, Extension 1333

Thank you

A handwritten signature in cursive script, which appears to read "Susan Duggan", is written over a horizontal line.

NEW APPLICATION

ORIGINAL

ARIZONA CORPORATION COMMISSION

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APPLICATION

SHORT FORM FOR PAY TELEPHONE PROVIDERS

AZ CORP COMMISSION
DOCUMENT CONTROL

Mail or deliver an original and **13** copies of this completed application with a "COVER SHEET" to:

Docket Control Center
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

*T-20444A-06-0128

I. List the name, address and telephone number of the person or entity (Applicant) that subscribes to the phone line from the local exchange company, indicate Business Name (if different than Applicant):

Empire Payphones, Inc.

(Applicant's Name)

44 Wall Street, 6th Floor

(Applicant's Address)

New York, NY 10005

(Applicant's Address)

(Business Name if different than Applicant's Name)

(212) 607 - 2004

(Applicant's Telephone Number)

II. If you intend on having an attorney represent you in this application, list the attorney's name, address and telephone number:

(Attorney's Name)

(Attorney's Address)

(Attorney's Address)

() -

(Attorney's Telephone Number)

III. What type of entity is the Applicant?

SOLE PROPRIETORSHIP; PARTNERSHIP; LIMITED LIABILITY COMPANY; or

CORPORATION: By checking this box, you certify that you have a current copy of your Articles of Incorporation on file with the Arizona Corporation Commission's Corporations Division: Arizona Corporation; or Foreign Corporation.

IV. SELECT ONE THAT APPLIES:

GENERIC/STREAMLINED TARIFF: By checking this box, the Applicant states it intends to provide public pay telephone service in the State of Arizona under the rates, terms, and conditions as set forth in the COPT Generic Tariff, and A.A.C. R14-2-901. et.seq., and hereby concurs in that Tariff. The Applicant understands that requests to provide service under conditions other than those set forth in the COPT Generic Tariff may be approved only by

specific order of the Arizona Corporation Commission pursuant to A.A.C. R14-2-901. ct. seq.;
or

- CUSTOMIZED TARIFF: By checking this box, the Applicant states it intends to provide pay telephone service in the State of Arizona under a Special (non-streamlined) Tariff, A.A.C. R14-2-901. ct. seq., and submits with this application its proposed Special (non-streamlined) COPT Tariff for services to be offered and does not concur in the Generic Tariff; or
- By checking this box, the Applicant states that it is NOT PROVIDING PUBLIC PAY TELEPHONE SERVICE, and hereby states that it is not a public service corporation, and swears and affirms that it is not offering its pay telephone service to the public and its primary business is not providing public pay telephone service. NOTE: Applicant may be subject to fines or other penalties if it is operating as a Public Service Corporation without a Certificate of Convenience and Necessity.

V. NOTICING

- By checking this box the Applicant states that it has placed the prescribed notice of the application at each pay telephone location (See instruction sheet: "NOTICE"). Attach ONE copy of a list of the addresses where you provide pay telephone service; OR
- By checking this box the applicant indicates it does NOT have any COPTs at this time.

VI. Attach one copy or sample of the customer information placard, which will be located on the pay telephone, that describes the services you offer and the instructions for operation. If you have checked the box to conform to the Generic Tariff, the placard must conform to: Para. III. items; C., D., J., K., and M.; plus Para. IV. C., items 1. through 7. of the Generic Tariff.



(Signature of Applicant and Title)

Andoni Economou - Exec. VP & COO

(Type or Print Your Name)

DO NOT WRITE IN THIS SPACE

STAFF RECOMMENDATIONS

By checking this box, the Applicant is requesting a hearing because it objects to the Staff Recommendations or other reasons. The request for a hearing and any objections to these Recommendations must be filed within 20 days from the date of this report. If the request is not made within 20 days, the Commission may decide the matter without a hearing unless a hearing is requested by Staff or an Intervenor.

ARIZONA CORPORATION COMMISSION

NOTICE

PUBLIC NOTICE OF APPLICATION FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY

Empire Payphones, Inc., has filed with the Arizona Corporation Commission (ACommission") an application for a Certificate of Convenience and Necessity (ACC&N≡) to provide Customer Owned Pay Telephone Service in the State of Arizona.

Empire Payphones, Inc. is required by the Commission to provide this service under the rates, charges, terms, and conditions established by the Commission.

The application is available for inspection during regular business hours at the offices of the Arizona Corporation Commission, 1200 West Washington Street, Phoenix, Arizona, and at:

Empire Payphones, Inc.

(Name of Company)

44 Wall Street, 6th Floor

(Address of Company)

New York, NY 10005

(Address of Company)

You may have the right to intervene in the proceeding, or you may write to the Commission or call and make a statement on your own behalf. If you have any questions about this application or have any objections to its approval, you may contact the Consumer Services Section of the Commission at 1200 West Washington Street, Phoenix, Arizona 85007 or call locally to (602) 542-4251 or in-state toll free at 1-800-222-7000.

Concurring COPT: EMPIRE PAYPHONES, INC.

COPT Tariff No. 1

Concurrence Date: February 28, 2006

Effective:

**CUSTOMER OWNED PAY TELEPHONE (COPT)
GENERIC TARIFF**

I. DESCRIPTION OF CUSTOMER OWNED PAY TELEPHONE SERVICE

- A. Customer Owned Pay Telephone (COPT) Service is public pay telephone service to end-users provided by entities other than the certificated local exchange telephone company. COPT service involves the resale of those local exchange and interexchange telecommunications services authorized for resale by the Arizona Corporation Commission (ACC) and provided through the facilities of public service corporations certificated to provide such services in the State of Arizona.
- B. COPT service is provided by interconnection with local exchange carriers through approved local exchange company tariffs under which COPT providers are authorized to obtain access to the local and interexchange telecommunications network.
- C. COPT service is subject to all restrictions imposed by the Arizona Corporation Commission on the intrastate transmission of telecommunications services.

II. SERVICE OFFERED

- A. The following services may be provided to end-users under this tariff:

- 1. Local Message Service - Provides callers with the ability to complete calls to other locations within the local (exchange) calling area.
- 2. Intrastate Message Toll Service - Provides callers with the ability to complete calls to locations outside the local (exchange) calling area.
- 3. Local Directory Assistance - Provides callers with telephone numbers for parties located within the local (exchange) calling area.
- 4. Intrastate Directory Assistance - Provides callers with telephone numbers for parties located outside the local (exchange) calling area.
- 5. Operator Services

- a. **Operator Assisted Station-to-Station Calls**

Provides for the completion of a call through the use of an operator with the caller paying for the call before it is completed.

- b. **Operator Assisted Person-to-Person Calls**

Provides for the completion of a call to a specified person through the use of an operator with the caller paying for the call before it is completed.

c. Operator Assisted Collect Calls

Provides for the completion of a call through the use of an operator with the called party billed for the call.

d. Operator Assisted Third Number Billed Calls

Provides for the completion of a call through the use of an operator with the call billed to a home or other telephone number.

e. Customer Dialed Calling Card and Credit Card Calls

Provides for the completion of a call without the use of an operator with the call billed to the calling card or credit card account.

- B. Services not described above may be offered only upon approval of the Arizona Corporation Commission under procedures established in A.R.S. Section 40-250.

III. REGULATIONS

- A. COPT Service is provided to all users on a non-discriminatory basis using Federal Communications Commission registered equipment, which has been installed and maintained in accordance with generally accepted telecommunications industry standards and applicable state and local codes.
- B. All COPT instruments are hearing-aid compatible and accessible to the disabled in compliance with federal and state laws.
- C. COPT instruments will be placed in well-lighted locations and will be maintained in good working order. The COPT provider will respond promptly to reports of equipment failure and other reasonable complaints. The COPT provider's name and telephone number of the COPT will be displayed prominently on each COPT instrument.
- D. Instructions on how to make a call, how to report malfunctions, and how to obtain refunds, will be posted at every COPT location in those languages required by the Commission.
- E. Access to emergency 911 service is provided free at all COPT locations, without the use of a coin and without time limitations. In those areas where 911 service is not available, access to the local emergency service providers will be provided free of charge and without time limitations.
- F. Coin-activated instruments will accept nickels, dimes, and quarters. Coins will be returned for uncompleted calls.
- G. Access to the end-user's preferred toll carriers will not be denied.

Concurring COPT: EMPIRE PAYPHONES, INC.
Concurrence Date: February 28, 2006

COPT Tariff No. 1
Effective:

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- H. Surcharges by premise owners for intrastate calls and/or operator services are prohibited unless specifically authorized by the Arizona Corporation Commission.
 - I. Operator Services are provided by ACC certified operator services companies at Commission approved rates and charges. However, these services may be provided through the use of capabilities embedded in the COPT (Store and forward pay telephones). Specific regulations applicable to COPT provided operator service are contained in Section IV, below.
 - J. Service limitations (e.g., local calling only, outgoing calls only) will be clearly posted at each COPT location. If service is limited to local calling, access to local operators will be provided.
 - K. Access to Local Directory Assistance may be provided free of charge and without the use of a coin. Charges for Directory Assistance will be clearly posted at each COPT location.
 - L. 1-800, 10XXX-0+ and 950 access will be provided at no charge to the calling party.
 - M. Time limits on local calls without additional coins will not be less than three (3) minutes. Time limitations will be clearly posted.
 - N. Service not in conformance with these regulations, or in violation of other rules and conditions of certification, may be terminated by Order of the ACC. The Commission reserves the right to enforce such Orders by denial of those services that COPTs are authorized to use to obtain access to the local and interexchange networks.

IV. REGULATIONS APPLICABLE TO COPT-PROVIDED OPERATOR SERVICES:

- A. The COPT operator service provided will identify itself at the outpulse of the terminating number which informs the end-user that the COPT provider's rates, operator service charges and surcharges apply to the call. This message will be provided before the end-user incurs any charge for the call, including a usage rate, operator service charge and surcharge.
- B. The COPT operator service provider will disclose immediately to the customer, upon request and at no charge to the caller, any of the following information:
 - 1. A quotation of rates, operator service charges and location-specific surcharges;
 - 2. The methods by which such rates, operator service charges and surcharges will be collected;
 - 3. The methods by which complaints concerning such rates, operator service charges and surcharges or collection practices will be resolved; and
 - 4. That the preferred carrier can be reached by access code or toll-free customer service number.

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- C. The COPT operator service provider will post all of the following information, on or near the COPT, in plain view of the end-user:
1. The name, address, and toll-free telephone number of the COPT provider;
 2. A written disclosure that the rates, operator service charges and location specific surcharges of the COPT operator service provider apply for all operator-assisted calls;
 3. A statement that interLATA calls made with calling cards, including IXC cards, may be carried by the COPT service provider;
 4. Dialing instructions;
 5. A toll-free telephone number for billing inquiries;
 6. A description of complaint procedures; and
 7. That end-users have a right to obtain access to the interexchange carrier of their choice.
- D. The COPT operator service provider will not require or participate in blocking any end-users' access to a preferred carrier.
- E. COPT providers using store and forward technology shall route all zero-minus calls immediately to the originating LEC.
- F. Billing and Collection Requirements
1. The COPT will bill monthly for operator services rendered.
 2. Bills issued for the intrastate interLATA operator service provided by the COPT provider will include the minimum information required by A.A.C. R14-2-508(B), and identify the COPT service provider, to the extent the LEC has the capability to do so. In the absence of that capability, the identification of the billing agent or clearing house and its toll-free customer service telephone number are required.
 3. The LEC will not be required to process any billing for any intraLATA calls carried by the COPT provider, whether intentional or incidental, where the required compensation has not been paid to the LEC.
 4. Billing for COPT-provided operator services will comply with all of the following billing procedures:
 - a. The billing date will be printed on the bill and shall be the date the bill was issued;
 - b. The COPT provider will provide a full refund of any charge levied for an uncompleted call;

Concurring COPT: EMPIRE PAYPHONES, INC.
Concurrence Date: February 28, 2006

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Effective:

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- c. COPT providers or their billing agents will not bill for calls which occur more than 60 days prior to the billing date; and
 - d. COPT providers or their billing agents will not bill for any intraLATA call carried by the COPT provider, whether intentional or incidental, where the required compensation has not been paid to the LEC.

V. RATES AND CHARGES

A. COPT service will be provided at the following maximum rates and charges.

1. **Local Message Service** (3 minutes minimum time)

Rates for local message service may not exceed the rate approved by the ACC for the serving local exchange carrier's public telephones.

2. **Intrastate IntraLATA Message Toll Service**

Rates for intrastate intraLATA message toll service may not exceed the day rates set forth in the certified local exchange carrier's tariff.

3. **Intrastate InterLATA Message Toll Service**

Rates for intrastate interLATA message toll service may not exceed the day rates set forth in the tariffs of the certificated intrastate interLATA carrier whose facilities are used to carry the call.

4. **Local Directory Assistance**

Charges for local directory assistance may not exceed the rates set forth in the certificated local exchange carrier's tariff.

5. **Intrastate Long Distance Directory Assistance**

Charges for intrastate long distance directory assistance may not exceed the rates for such service set forth in the tariff for the certificated carrier whose facilities are used to provide intrastate interexchange directory assistance.

6. **Operator Handled Calls**

- a. Charges for Operator assisted calls may not exceed the rates and charges authorized for the ACC certified Operator Services provided that provides operator services to the COPT.

Concurring COPT: EMPIRE PAYPHONES, INC.

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- b. In those instances where operator services are provided through the use of capabilities embedded in the COPT:
- (1) Charges for intrastate intraLATA operator assisted, calling card and credit card calls may not exceed the rates for operator service set forth in the certificated local exchange carrier's tariff.
 - (2) Charges for intrastate interLATA operator assisted, calling card and credit card calls may not exceed the rates for operator service set forth in the tariffs for the certificated carrier whose facilities are used to provide intrastate interexchange service.
- B. Rates for COPT service may be discounted below these maximums at the discretion of the COPT service provider.
- C. Rates for services not included in this tariff are contained in other approved tariffs of the Company on file with the ACC.