

WILLIAM A. MUNDELL
CHAIRMAN
JIM IRVIN
COMMISSIONER
MARC SPITZER
COMMISSIONER



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BRIAN C. McNEIL
EXECUTIVE SECRETARY

ARIZONA CORPORATION COMMISSION JUN 11 P 3:05

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

DATE: JUNE 11, 2002
DOCKET NO: T-03065A-02-0366
TO ALL PARTIES:

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

K. TRAVIS JOHNSON AND MARILYN J. JOHNSON
DBA DESERT COMMUNICATIONS
(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, 2002

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 25, 2002 and JUNE 26, 2002

For more information, you may contact Docket Control at (602)542-3477 or the Hearing Division at (602)542-4250.

Arizona Corporation Commission
DOCKETED

JUN 11 2002

BRIAN C. McNEIL
EXECUTIVE SECRETARY

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BEFORE THE ARIZONA CORPORATION COMMISSION

WILLIAM A. MUNDELL
CHAIRMAN
JIM IRVIN
COMMISSIONER
MARC SPITZER
COMMISSIONER

IN THE MATTER OF THE APPLICATION OF K.
TRAVIS JOHNSON AND MARILYN J. JOHNSON
DBA DESERT COMMUNICATIONS FOR THE
CANCELLATION OF THE CERTIFICATE OF
CONVENIENCE AND NECESSITY TO PROVIDE
CUSTOMER-OWNED PAY TELEPHONE
SERVICE IN THE STATE OF ARIZONA.

DOCKET NO. T-03065A-02-0366

DECISION NO. _____

ORDER

Open Meeting
June 25 and 26, 2002
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. K. Travis Johnson and Marilyn J. Johnson dba Desert Communications ("Applicant") 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. 59671 (May 15, 1996).
2. On May 17, 2002, Applicant filed with Docket Control of the Commission an application for approval of the cancellation of the Certificate, indicating that it no longer provides COPT service in the State of Arizona.
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 May 24, 2002, the Commission's Utilities Division Staff ("Staff") filed a Staff
3 Report, recommending approval of the application to cancel Applicant's Certificate without a
4 hearing.

5 **CONCLUSIONS OF LAW**

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

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

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

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

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ORDER

IT IS THEREFORE ORDERED that the application of K. Travis Johnson and Marilyn J. Johnson dba Desert Communications 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 _____, 2002.

BRIAN C. McNEIL
EXECUTIVE SECRETARY

DISSENT _____
MES:dap

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SERVICE LIST FOR:

K. TRAVIS JOHNSON AND MARILYN J. JOHNSON
DBA DESERT COMMUNICATIONS

DOCKET NO.:

T-03065A-02-0366

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