

OPEN MEETING ITEM

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WILLIAM A. MUNDI
CHAIRMAN
JIM IRVIN
COMMISSIONER
MARC SPITZER
COMMISSIONER



BRIAN C. McNEIL
EXECUTIVE SECRETARY

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ARIZONA CORPORATION COMMISSION

2002 JUL 29 A 9:49

DATE: JULY 29, 2002

DOCKET NO: T-04064A-01-0883

AZ CORP COMMISSION
DOCUMENT CONTROL

TO ALL PARTIES:

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

RANDY HEINSOHN
(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 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:

AUGUST 7, 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:

AUGUST 20, 2002 and AUGUST 21, 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

JUL 29 2002

BRIAN C. McNEIL
EXECUTIVE SECRETARY

DOCKETED BY

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 WILLIAM A. MUNDELL
CHAIRMAN
3 JIM IRVIN
COMMISSIONER
4 MARC SPITZER
COMMISSIONER
5

6 IN THE MATTER OF THE APPLICATION OF
RANDY HEINSOHN FOR A CERTIFICATE OF
7 CONVENIENCE AND NECESSITY TO PROVIDE
CUSTOMER-OWNED PAY TELEPHONE
8 SERVICE IN THE STATE OF ARIZONA

DOCKET NO. T-04064A-01-0883

DECISION NO. _____

ORDER

9 Open Meeting
August 20 and 21, 2001
10 Phoenix, Arizona

11 **BY THE COMMISSION:**

12 Having considered the entire record herein and being fully advised in the premises, the
13 Arizona Corporation Commission (Commission”) finds, concludes, and orders that:

14 **FINDINGS OF FACT**

15 1. On November 7, 2001, Randy Heinsohn (“Applicant”) filed with the Commission an
16 application for a Certificate of Convenience and Necessity (“Certificate”) to provide customer-owned
17 pay telephone (“COPT”) service in the State of Arizona.

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

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

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

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

26 6. Applicant has requested that a Certificate be granted and has indicated that it will
27 provide COPT service pursuant to the rates, terms and conditions specified in the Generic COPT
28 Tariff.

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7. Applicant does not presently provide COPT services in Arizona.

8. On April 2, 2002, the Commission's Utilities Division Staff ("Staff") filed a Staff Report, recommending approval of the application without a hearing.

9. Staff stated that the Applicant has provided a copy of its customer information placard that complies with the Generic Tariff.

10. Staff also stated that increased pay telephone availability is in the public interest.

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 application.

3. The provision of COPT service in Arizona by Applicant is in the public interest.

4. Applicant is a fit and proper entity to receive a Certificate for providing COPT service in Arizona.

5. Staff's recommendations in Findings of Fact No. 8 is reasonable and should be adopted.

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ORDER

IT IS THEREFORE ORDERED that the Application of Randy Heinsohn 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

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 _____, 2001.

BRIAN C. McNEIL
EXECUTIVE SECRETARY

DISSENT _____
PD:mlj

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SERVICE LIST FOR: RANDY HEINSOHN

DOCKET NO.: T-04064A-01-0883

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