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WILLIAM A. MUNDELL
CHAIRMAN
JIM IRVIN
COMMISSIONER
MARC SPITZER
COMMISSIONER

BRIAN C. McNEIL
EXECUTIVE SECRETARY



ARIZONA CORPORATION COMMISSION

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AZ CORP COMMISSION
DOCUMENT CONTROL

DATE: July 29, 2002
DOCKET NO: T-02788A-00-0819

TO ALL PARTIES:

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

LARRY P. COYLE, D/B/A MARY COYLE ICE CREAM
(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 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 AND 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

DOCKETED BY [Signature]

BRIAN C. McNEIL
EXECUTIVE SECRETARY

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
LARRY P. COYLE DBA MARY COYLE ICE
7 CREAM FOR THE CANCELLATION OF THE
CERTIFICATE OF CONVENIENCE AND
8 NECESSITY TO PROVIDE CUSTOMER-OWNED
PAY TELEPHONE SERVICE IN THE STATE OF
ARIZONA.

DOCKET NO. T-02788A-00-0819

DECISION NO. _____

ORDER

9
10 Open Meeting
August 20 and 21, 2002
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. Larry P. Coyle dba Mary Coyle Ice Cream ("Applicant") has a Certificate of
16 Convenience and Necessity ("Certificate") to provide customer-owned pay telephone ("COPT")
17 service in the State of Arizona pursuant to Decision No. 59616 (April 24, 1996).

18 2. On March 6, 2000, Applicant filed with Docket Control of the Commission an
19 application for approval of the cancellation of the Certificate, indicating that it no longer provides
20 COPT service in the State of Arizona.

21 3. On July 11, 2002, the Commission's Utilities Division Staff ("Staff") filed a Staff
22 Report, recommending approval of the application to cancel Applicant's Certificate without a
23 hearing.

24 **CONCLUSIONS OF LAW**

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

27 2. The Commission has jurisdiction over Applicant and the subject matter of the
28

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 Larry P. Coyle dba Mary Coyle Ice
9 Cream for the cancellation of the Certificate of Convenience and Necessity to provide customer-
10 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.

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15 CHAIRMAN

COMMISSIONER

COMMISSIONER

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18 IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive
19 Secretary 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 _____, 2002.

23
24 BRIAN C. McNEIL
EXECUTIVE SECRETARY

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DISSENT _____
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SERVICE LIST FOR:

LARRY P. COYLE DBA MARY COYLE ICE CREAM

DOCKET NO.:

T-02788A-00-0819

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