

WILLIAM A. MUNDELL  
CHAIRMAN  
JIM IRVIN  
COMMISSIONER  
MARC SPITZER  
COMMISSIONER



ORIGINAL

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BRIAN C. McNEIL  
EXECUTIVE SECRETARY

ARIZONA CORPORATION COMMISSION

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2002 JUL 29 A 10: 50

DATE: July 29, 2002

DOCKET NO: T-03055A-01-0201

AZ CORP COMMISSION  
DOCUMENT CONTROL

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:

GARY A. GIVENS, D/B/A G.A.G. 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 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	
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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  
GARY A. GIVENS DBA G.A.G.  
7 COMMUNICATIONS FOR THE  
CANCELLATION OF THE CERTIFICATE OF  
8 CONVENIENCE AND NECESSITY TO PROVIDE  
CUSTOMER-OWNED PAY TELEPHONE  
9 SERVICE IN THE STATE OF ARIZONA.

DOCKET NO. T-03055A-01-0201

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

**ORDER**

10 Open Meeting  
August 20 and 21, 2002  
11 Phoenix, Arizona

**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:

**FINDINGS OF FACT**

15 1. Gary A. Givens dba G.A.G. Communications ("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, 2001, 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 Gary A. Givens dba G.A.G.  
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.

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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  
25 EXECUTIVE SECRETARY

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DISSENT \_\_\_\_\_  
MES:dap

1 SERVICE LIST FOR:

GARY A. GIVENS DBA G.A.G.  
COMMUNICATIONS

2 DOCKET NO.:

T-03055A-01-0201

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