



OPEN MEETING ITEM

MARC SPIZLER - Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
MIKE GLEASON
KRISTIN K. MAYES



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BRIAN C. MCNEIL
Executive Secretary

ARIZONA CORPORATION COMMISSION

2003 OCT -6 A 11:09

DATE: OCTOBER 6, 2003
DOCKET NO: T-02816A-03-0571
TO ALL PARTIES:

Arizona Corporation Commission
DOCKETED

ARIZONA CORP COMMISSION
DOCUMENT CONTROL

OCT 06 2003

DOCKETED BY

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

M2 DEVELOPMENT CORP. dba
FAMOUS SAM'S #8
(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:

OCTOBER 15, 2003

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:

OCTOBER 21, 2003 and OCTOBER 22, 2003

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

BRIAN C. MCNEIL
EXECUTIVE SECRETARY

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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

MARC SPITZER, Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
MIKE GLEASON
KRISTIN K. MAYES

IN THE MATTER OF THE APPLICATION OF
M2 DEVELOPMENT CORP. dba FAMOUS SAM'S
8 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-02816A-03-0571

DECISION NO. _____

ORDER

Open Meeting
October 21 and 22, 2003
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. M2 Development Corp., dba Famous Sam's #8 ("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. 59000 (February 24, 1995).

2. On August 14, 2003, Applicant filed with the Commission an application for the cancellation of the Certificate, indicating that it no longer provides COPT service in the State of Arizona.

3. On August 22, 2003, the Commission's Utilities Division Staff ("Staff") filed a Staff Report, recommending approval of the application to cancel Applicant's Certificate without a hearing.

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

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 M2 Development Corp, dba Famous
9 Sam's #8 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.

13
14 CHAIRMAN COMMISSIONER COMMISSIONER

15
16 COMMISSIONER COMMISSIONER

17
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 _____, 2003.

23
24 _____
25 BRIAN C. McNEIL
26 EXECUTIVE SECRETARY

27 DISSENT _____

28 DISSENT _____

AP:mj

1 SERVICE LIST FOR: M2 DEVELOPMENT CORP., DBA FAMOUS SAM'S #8

2 DOCKET NO.: T-02816A-03-0571

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