

OPEN MEETING ITEM



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BEFORE THE ARIZONA CORPORATION COMMISSION

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MIKE GLEASON
Chairman
WILLIAM A. MUNDELL
Commissioner
JEFF HATCH-MILLER
Commissioner
KRISTIN K. MAYES
Commissioner
GARY PIERCE
Commissioner

2007 DEC 31 A 10:49
AZ CORP COM COM
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Arizona Corporation Commission

DOCKETED

DEC 31 2007

DOCKETED BY

41

STAFF of the Utilities Division,

Complainant,

vs.

David Kec dba Western States Petroleum, Inc.
Respondent.

DOCKET NO. T-03607A-98-0441

COMPLAINT

(Motion to Rescind Decision
and cancel CC&N)

Staff of the Utilities Division ("Staff") of the Arizona Corporation Commission ("Commission"), pursuant to Arizona Revised Statutes (A.R.S.) § 40-246, hereby comes before the Commission to allege the following Complaint requesting a rescission of Commission Decision No. 61123 and a cancellation of Respondent's Certificate of Convenience and Necessity ("CC&N").

JURISDICTION

1. The Commission has jurisdiction to hear complaints against public service corporations pursuant to A.R.S. § 40-246. The Commission has jurisdiction to supervise and regulate public service corporations pursuant to Article XV of the Arizona Constitution and Title 40 of the Arizona Revised Statutes.

FACTUAL BACKGROUND

2. Respondent David Kec dba Western States Petroleum, Inc. ("WSP" or "Company") is a public service corporation as defined by Article XV of the Arizona Constitution and A.R.S. § 40-282.
...

1 Original and eighteen (18) copies
2 of the foregoing were filed this
3 31st day of December, 2007 with:

3 Docket Control
4 Arizona Corporation Commission
5 1200 West Washington Street
6 Phoenix, Arizona 85007

6 Copies of the foregoing were mailed
7 this 31st day of December, 2007 to:

8 Mr. David Kec
9 Western States Petroleum, Inc.
10 450 South 15th Avenue
11 Phoenix, Arizona 85007

11 Mr. Christopher C. Kempley
12 Chief Counsel, Legal Division
13 Arizona Corporation Commission
14 1200 West Washington Street
15 Phoenix, Arizona 85007

14 Mr. Ernest G. Johnson
15 Director, Utilities Division
16 Arizona Corporation Commission
17 1200 West Washington Street
18 Phoenix, Arizona 85007

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1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 MIKE GLEASON
Chairman

3 WILLIAM A. MUNDELL
Commissioner

4 JEFF HATCH-MILLER
Commissioner

5 KRISTIN K. MAYES
Commissioner

6 GARY PIERCE
Commissioner

7
8 STAFF of the Utilities Division,
9 Complainant,

DOCKET NO. T-03607A-98-0441

10 DECISION NO. _____

11 vs.

ORDER

12 David Kec dba Western States Petroleum,
Inc. Respondent.

14
15 Open Meeting
January 15 and 16, 2008
16 Phoenix, Arizona

17 BY THE COMMISSION:

18 FINDINGS OF FACT

19 1. Respondent David Kec dba Western States Petroleum, Inc. ("WSP" or "Company")
20 is a public service corporation as defined by Article XV of the Arizona Constitution and A.R.S. §
21 40-282.

22 2. On September 16, 1998, in Decision No. 61123, the Arizona Corporation
23 Commission ("Commission") granted WSP's application for a Certificate of Convenience and
24 Necessity ("CC&N") to provide customer-owned pay telephone service in the State of Arizona.

25 3. The Decision ordered WSP to file a customer information posting approved by the
26 Director of the Utilities Division for compliance within sixty days of the effective date of the
27 Decision. The customer information posting was to be approved by Staff prior to the Company
28 providing service at any locations. There is no record of this filing.

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ORDER

IT IS THEREFORE ORDERED that Decision No. 61123 is hereby rescinded and the Certificate of Convenience and Necessity granted to David Kec dba Western States Petroleum, Inc. is revoked.

IT IS FURTHER ORDERED that this Order shall become effective immediately.

BY THE ORDER OF THE ARIZONA CORPORATION COMMISSION

CHAIRMAN

COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I DEAN S. MILLER, Interim Executive Director of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be affixed at the Capitol, in the City of Phoenix, this _____ day of _____, 2008.

DEAN S. MILLER
Interim Executive Director

DISSENT: _____

DISSENT: _____

EGJ:KDB:ihm\

1 Service List for: David Kec dba Western States Petroleum, Inc.
2 Docket No. T-03607A-98-0441

3 Mr. David Kec
4 Western States Petroleum, Inc.
5 450 South 15th Avenue
6 Phoenix, Arizona 85007

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8 Chief Counsel, Legal Division
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