

OPEN MEETING ITEM

ORIGINAL



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

ARIZONA CORPORATION COMMISSION

DATE: OCTOBER 2, 2007

DOCKET NO: T-02879A-06-0355

TO ALL PARTIES:

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

ROY HENDERSON d/b/a HENDERSON APARTMENTS
(CANCEL 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:

OCTOBER 11, 2007

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 23, 2007 and OCTOBER 24, 2007

For more information, you may contact Docket Control at (602)542-3477 or the Hearing Division at (602)542-4250. For information about the Open Meeting, contact the Executive Director's Office at (602) 542-3931.

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DOCKET CONTROL

BRIAN C. McNEIL
EXECUTIVE DIRECTOR

Arizona Corporation Commission
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2 **BEFORE THE ARIZONA CORPORATION COMMISSION**

3 COMMISSIONERS

4 MIKE GLEASON - Chairman
5 WILLIAM A. MUNDELL
6 JEFF HATCH-MILLER
7 KRISTIN K. MAYES
8 GARY PIERCE

9 IN THE MATTER OF THE APPLICATION OF
10 ROY HENDERSON, DBA HENDERSON
11 APARTMENTS, TO CANCEL HIS CERTIFICATE
12 OF CONVENIENCE AND NECESSITY FOR
13 CUSTOMER-OWNED PAY TELEPHONE
14 SERVICE.

DOCKET NO. T-02879A-06-0355

DECISION NO. _____

ORDER

11 Open Meeting
12 October 23 and 24, 2007
13 Phoenix, Arizona

14 **BY THE COMMISSION:**

15 * * * * *

16 Having considered the entire record herein and being fully advised in the premises, the
17 Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

18 FINDINGS OF FACT

19 1. In Decision No. 59152 (July 20, 1995), the Commission granted to Roy Henderson,
20 dba Henderson Apartments ("Applicant"), a sole proprietorship, a Certificate of Convenience and
21 Necessity ("CC&N") to provide customer-owned pay telephone ("COPT") service in Arizona. The
22 CC&N required the Applicant to comply with the terms of the Generic COPT Tariff unless otherwise
23 ordered by the Commission.

24 2. On May 30, 2006, the Applicant filed an application to cancel his CC&N to provide
25 COPT service, indicating that he no longer provides, or never did provide, COPT service in Arizona.

26 3. Staff reports that the Applicant has stated that he no longer provides COPT service in
27 Arizona.

28 4. Staff reports that, although the Applicant did not indicate on his application that he

1 was giving up his right to notice and a hearing, Staff contacted the Applicant via telephone on July
2 24, 2007, and confirmed that he does not wish to participate in a hearing on this matter.

3 5. Staff reports that the Applicant does not have any outstanding compliance issues that
4 need to be addressed with the Commission.

5 6. Staff reports that from January 1, 2003, through September 12, 2007, there were no
6 consumer complaints, inquiries, or opinions filed against the Applicant.

7 7. Staff reports that the Commission's Corporation Division has no records of the
8 Applicant.

9 8. Staff recommends approval of the Applicant's application for cancellation of his
10 CC&N to provide COPT service in Arizona.

11 9. Staff's recommendations are reasonable and should be adopted.

12 **CONCLUSIONS OF LAW**

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

15 2. A.A.C. R14-2-903(E) applies to the holder of a CC&N for COPT service who desires
16 to discontinue or abandon COPT service at any location. The rule requires prior written notice to the
17 Commission, but does not require publication of notice.

18 3. The Commission has jurisdiction over the Applicant and the subject matter of the
19 application.

20 4. The cancellation of the Applicant's CC&N is in the public interest.

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ORDER

IT IS THEREFORE ORDERED that the application of Roy Henderson, dba Henderson Apartments, for cancellation of his Certificate of Convenience and Necessity to provide customer-owned pay telephone service in Arizona shall be, and is hereby, granted.

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

BY 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 the Commission to be affixed at the Capitol, in the City of Phoenix, this ____ day of _____, 2007.

DEAN S. MILLER
INTERIM EXECUTIVE DIRECTOR

DISSENT _____

DISSENT _____

SNH:db

1 SERVICE LIST FOR:

ROY HENDERSON, DBA HENDERSON
APARTMENTS

2

3 DOCKET NO.:

T-02879A-06-0355

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5 Roy S. Henderson
6 dba HENDERSON APARTMENTS
1190 East Carmen Street
7 Tempe, AZ 85283

8 Christopher Kempley, Chief Counsel
9 Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
10 Phoenix, AZ 85007

11 Ernest G. Johnson, Director
12 Utilities Division
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