



BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

DOCKETED

OCT 30 2007

COMMISSIONERS

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

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

DOCKET NO. T-02879A-06-0355

DECISION NO. 69959

ORDER

Open Meeting
 October 23 and 24, 2007
 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. In Decision No. 59152 (July 20, 1995), the Commission granted to Roy Henderson, dba Henderson Apartments ("Applicant"), a sole proprietorship, a Certificate of Convenience and Necessity ("CC&N") to provide customer-owned pay telephone ("COPT") service in Arizona. The CC&N required the Applicant to comply with the terms of the Generic COPT Tariff unless otherwise ordered by the Commission.

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

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

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.

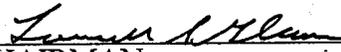
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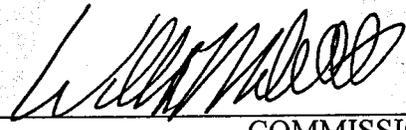
ORDER

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

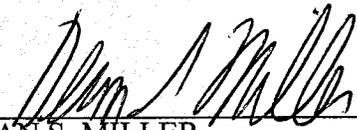

COMMISSIONER

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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 30th day of Oct., 2007.


DEAN S. MILLER
INTERIM EXECUTIVE DIRECTOR

DISSENT _____

DISSENT _____

SNH:db

1 SERVICE LIST FOR:

ROY HENDERSON, DBA HENDERSON
APARTMENTS

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3 DOCKET NO.:

T-02879A-06-0355

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6 dba HENDERSON APARTMENTS
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10 Phoenix, AZ 85007

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