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MEMORANDUM

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TO: Docket Control
FROM: Ernest G. Johnson
Director
Utilities Division
DATE: November 21, 2007

Arizona Corporation Commission

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AZ CORP COMMISSION
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RE: **UPDATE - IN THE MATTER OF THE APPLICATION OF GRINGO PASS, INC. FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE PAY TELEPHONE SERVICE (DOCKET NO. T-04191A-03-0482)**

On July 14, 2003, Gringo Pass, Inc. ("GPI") filed an application with the Arizona Corporation Commission ("Commission") for a Certificate of Convenience and Necessity ("CC&N") to provide pay telephone service in the State of Arizona. On July 17, 2003, the Commission's Utilities Division ("Staff") sent a set of data requests to GPI. On July 21, 2003, GPI acknowledged receiving Staff's first set of data requests by signing and returning the certified mail "green card".

On December 20, 2005 the Hearing Division issued a Procedural Order that required Staff to file an update on the status of this matter no later than January 20, 2006, and indicate whether the matter should be administratively closed. On December 23, 2005, Staff contacted GPI by telephone and was advised by GPI to fax the first set of data requests to GPI.

On January 5, 2006, GPI filed its non-docketed response to Staff's first set of data requests. Staff requested GPI to furnish a copy of the customer information placard. GPI's customer information placard did meet the terms of the Generic Tariff.

On January 20, 2006, Staff submitted an update on the status of this matter. Pending Staff's review of GPI's response to Staff's first set of data requests. Staff recommends that this docket remain open until all issues associated with this matter are resolved.

On February 14, 2006, Staff received a non-docketed letter from A.E. Gay indicating that he is anxiously waiting for what is required to obtain telephone service in Lukeville, Arizona.

On March 9, 2006, Staff filed a Memorandum recommending that GPI's CC&N application be approved. On March 20, 2006, a Recommended Order was filed by the Hearing Division for the April 2006 Open Meeting.

GPI's President, A.E. Gay, filed a letter requesting a 90-day postponement of GPI's application on March 30, 2006. On March 31, 2006, "Barry Thompson for A.E. Gay" issued a fax to confirm that GPI's matter should be put on hold until Mr. Gay requests that this docket be reactivated.

On April 3, 2006, Staff obtained a copy of ABC Gringo, Inc.'s "Notice of Pending Administrative Dissolution" letter sent by the Corporations Division of the Commission. On April 12, 2006, A.E. Gay filed a letter stating that Mr. Gay and his wife had intended for ABC Gringo, Inc. to obtain the CC&N to manage the pay telephone operation.

On November 7, 2007, the Hearing Division issued a Procedural Order that required Staff and GPI to file a document updating the status of GPI's application and indicating when the Recommended Order filed on March 20, 2006 should be scheduled for consideration at an open meeting, and if not, why not.

On November 8, 2007, Staff contacted Mr. Gay to confirm his desire to reactivate his CC&N application using the name ABC Gringo, Inc. in place of Gringo Pass, Inc. Since Mr. Gay owns ABC Gringo, Inc. and Gringo Pass, Inc., he wants ABC Gringo, Inc. to obtain the CC&N to manage the pay telephone operation. Staff has been advised by the Consumer Services Section of the Utilities Division that ABC Gringo, Inc. is in good standing with the Corporations Division.

In light of this information, Staff believes that the Recommended Order filed on March 20, 2006 should not be scheduled for consideration at an Open Meeting at this time. Instead, Staff recommends that the applicant be required to file an amended and updated application with the appropriate business entity as the applicant. Staff could then file its recommendation based on the amended and updated application. Alternatively, the applicant could file a new application and request that the pending application in Docket No. T-04191A-03-0482 be withdrawn.

EGJ:JFB:red

Originator: John F. Bostwick

Attachment: Original and Thirteen Copies

SERVICE LIST FOR: GRINGO PASS, INC.
DOCKET NO. T-04191A-03-0482

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