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*Dec file*  
Arizona Corporation Commission

DOCKETED

SEP 16 1998

BEFORE THE ARIZONA CORPORATION COMMISSION

JIM IRVIN  
COMMISSIONER - CHAIRMAN  
RENZ D. JENNINGS  
COMMISSIONER  
CARL J. KUNASEK  
COMMISSIONER

DOCKETED BY *cm*

IN THE MATTER OF THE APPLICATION OF )  
WESTERN STATES PETROLEUM, INC. FOR A )  
CERTIFICATE OF CONVENIENCE AND )  
NECESSITY TO PROVIDE CUSTOMER-OWNED )  
PAY TELEPHONE SERVICE IN THE STATE OF )  
ARIZONA. )

DOCKET NO. T-03607A-98-0441

DECISION NO. 61123

ORDER

Open Meeting  
September 15 and 16, 1998  
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. On August 5, 1998, Western States Petroleum, Inc. ("Applicant") filed with the Commission an application for a Certificate of Convenience and Necessity ("Certificate") to provide Customer-Owned Pay Telephone ("COPT") Service in the State of Arizona.

2. In Decision No. 55817 (December 10, 1987) the Commission found that COPT providers were public service corporations subject to the jurisdiction of the Commission.

3. The Commission in Decision No. 57797 (April 8, 1992) adopted A.A.C. R14-2-901 through R14-2-909 to regulate COPT providers.

4. In Decision No. 58535 (February 14, 1994) the Commission adopted a Generic Tariff which establishes rates and minimum service standards applicable to COPT service.

5. Pursuant to A.R.S. §40-282, the Commission may issue Decisions regarding COPT Certificates without a hearing.

6. Applicant has requested that a Certificate be granted pursuant to A.A.C. R14-2-905, and has indicated that it will provide COPT service pursuant to the rates, terms and conditions specified in the Generic COPT Tariff.

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7. Applicant is an Arizona corporation.
8. Applicant does not presently provide COPT service in Arizona.
9. Applicant plans to provide end-users with 0+, 1+, local, calling card, long distance service, and operator assisted calls. A minimum of a three minute time limit will be allowed on local calls.
10. Applicant has not submitted a sample customer information posting for the review of the Commission's Utilities Division Staff ("Staff").
11. On August 18, 1998, Staff filed a Staff Recommendation, recommending approval of Applicant's application without a hearing.
12. Staff further recommended that Applicant be ordered to file a copy of its customer information posting with Staff for approval prior to it providing service at any locations.

**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 application.
3. Notice of the application was given in accordance with the law.
4. The provision of COPT service in Arizona by Applicant is in the public interest.
5. Applicant is a fit and proper entity to receive a Certificate for providing COPT service in Arizona.

**ORDER**

IT IS THEREFORE ORDERED that the application of Western States Petroleum, Inc. for a Certificate of Convenience and Necessity for authority to provide customer-owned pay telephone service in Arizona shall be, and the same is, hereby granted, conditioned upon Applicant filing a customer information posting approved by the Director of the Utilities Division for compliance with the requirements of the Generic COPT Tariff within sixty days of the effective date of this Decision.

IT IS FURTHER ORDERED that if Applicant fails to timely file an approved customer information posting, the application shall be denied without further Order of this Commission, and Staff shall notify the local exchange company that provides public access line service to Applicant's pay telephones, if any, pursuant to A.A.C. R14-2-903.C, so that any public access lines held by Applicant

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1 are disconnected.

2 IT IS FURTHER ORDERED that Western States Petroleum, Inc. shall comply with Staff's  
3 recommendation in Findings of Fact No. 12.

4 IT IS FURTHER ORDERED that Western States Petroleum, Inc. shall comply with the terms  
5 of the Generic COPT Tariff, unless otherwise ordered by the Commission, pursuant to A.A.C. R14-2-  
6 906.

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

8 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

9  
10 *James M. Swin*  
11 COMMISSIONER - CHAIRMAN

11 COMMISSIONER

11 *Carl H. ...*  
COMMISSIONER

12 IN WITNESS WHEREOF, I, JACK ROSE, Executive Secretary of the Arizona  
13 Corporation Commission, have hereunto set my hand and caused the official seal  
14 of the Commission to be affixed at the Capitol, in the City of Phoenix, this  
15 16 day of Sept, 1998.

15 for *Stuart R. Brockway*  
16 JACK ROSE  
EXECUTIVE SECRETARY

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18 DISSENT \_\_\_\_\_  
BMB:bbs

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SERVICE LIST FOR:

WESTERN STATES PETROLEUM, INC.

DOCKET NO.:

T-03607A-98-0441

David Kec  
Western States Petroleum, Inc.  
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Phoenix, Arizona 85282

6 Paul Bullis, Chief Counsel  
Legal Division ARIZONA CORPORATION COMMISSION  
7 1200 West Washington Street  
Phoenix, Arizona 85007

8 Director Utilities Division  
9 ARIZONA CORPORATION COMMISSION  
10 1200 West Washington Street  
Phoenix, Arizona 85007

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David Kec  
450 South 15th Avenue  
Phoenix, AZ 85282

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