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

ARIZONA CORPORATION COMMISSION

DATE: JANUARY 23, 2008

DOCKET NO: T-03961A-07-0534

TO ALL PARTIES:

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

EARLAND E. CASS
(CANCEL CC&N)

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:

FEBRUARY 1, 2008

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:

FEBRUARY 12, 2008 and FEBRUARY 13, 2008

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.

BRIAN C. McNEIL
EXECUTIVE DIRECTOR

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1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 COMMISSIONERS

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

8 IN THE MATTER OF THE APPLICATION OF
9 EARLAND E. CASS FOR THE CANCELLATION
OF THE CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE CUSTOMER-OWNED
PAY TELEPHONE SERVICE IN THE STATE OF
ARIZONA.

DOCKET NO. T-03961A-07-0534

DECISION NO. _____

ORDER

10 Open Meeting
11 February 12 and 13, 2008
12 Phoenix, Arizona

BY THE COMMISSION:

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

15 **FINDINGS OF FACT**

16 1. Earland E. Cass ("Applicant") has a Certificate of Convenience and Necessity
17 ("Certificate") to provide customer-owned pay telephone ("COPT") service in the State of Arizona
18 pursuant to Decision No. 63675 (May 24, 2001) ("Decision").

19 2. On September 20, 2007, Applicant filed with the Commission an application for
20 cancellation of its Certificate. Applicant indicated that it no longer provides, or never did provide,
21 COPT service in the State of Arizona.

22 3. Applicant notified the Commission's Utilities Division Staff ("Staff") that Applicant
23 does not wish to have a hearing in order to cancel the Certificate.

24 4. The Compliance Section of the Utilities Division indicated to Staff that the Applicant
25 did not file a customer information placard and a fair value base rate as ordered in the Decision.

26 5. Consumer Services Section of the Utilities Divisions reported to Staff that there were
27 no consumer complaints, inquiries or opinions filed against the Applicant.

28 6. Staff reports that the Commission's Corporations Division has no listing of the

1 Applicant.

2 7. On November 20, 2007, Staff filed a Staff Report, recommending approval of the
3 application to cancel Applicant's Certificate without a hearing.

4 **CONCLUSIONS OF LAW**

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

7 2. Arizona Administrative Code R14-2-903(E) applies to the holder of a CC&N for
8 COPT service who desires to discontinue or abandon COPT service at any location. The rule requires
9 prior written notice to the Commission, but does not require publication of notice.

10 3. The Commission has jurisdiction over Applicant and the subject matter of the
11 application.

12 4. The cancellation of Applicant's Certificate is in the public interest.

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

15 6. Staff's recommendation is reasonable and should be adopted.

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ORDER

IT IS THEREFORE ORDERED that the Application of Earland E. Cass for the cancellation of the Certificate of Convenience and Necessity to provide customer-owned pay telephone service shall be, and is hereby, approved.

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 _____, 2008.

DEAN S. MILLER
INTERIM EXECUTIVE DIRECTOR

DISSENT _____

DISSENT _____

1 SERVICE LIST FOR: EARLAND E. CASS

2 DOCKET NO.: T-03961A-07-0534

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4 Earland E. Cass
16823 North 1st Lane, #11
Phoenix, Arizona 85023

5
6 Christopher Kempley, Chief Counsel
Legal Division
ARIZONA CORPORATION COMMISSION
7 1200 West Washington Street
Phoenix, Arizona 85007

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

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