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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

Arizona Corporation Commission

DOCKETED

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

FEB 27 2008

DOCKETED BY [Signature]

IN THE MATTER OF THE APPLICATION OF
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. 70174

ORDER

Open Meeting
February 12 and 13, 2008
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. Earland E. Cass ("Applicant") has a Certificate of Convenience and Necessity ("Certificate") to provide customer-owned pay telephone ("COPT") service in the State of Arizona pursuant to Decision No. 63675 (May 24, 2001) ("Decision").

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

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

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

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

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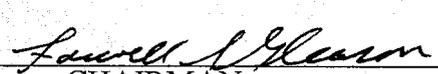
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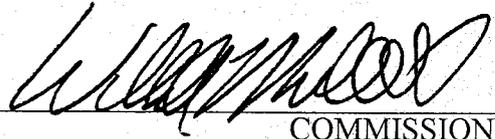
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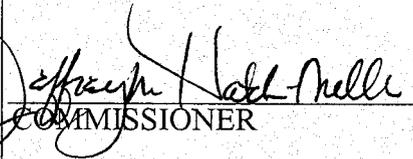
IT IS THEREFORE ORDERED that the Application of Earland E. Cass for the cancellation of the Certificate of Convenience and Necessity to provide customer-owned pay telephone service shall be, and is hereby, approved.

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

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.


CHAIRMAN

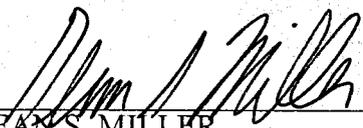

COMMISSIONER


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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 27th day of Feb., 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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9 Ernest G. Johnson, Director
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