

COMMISSIONERS
KRISTIN K. MAYES – Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP

ORIGINAL

OPEN MEETING ITEM



0000095268

Interim Executive Director

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ARIZONA CORPORATION COMMISSION

2009 APR -9 P 2:18

AZ CORP COMMISSION
DOCKET CONTROL

DATE: APRIL 9, 2009

DOCKET NO: T-04068A-09-0025

TO ALL PARTIES:

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

AMERICAN COMMUNICATIONS OF OHIO, INC.
(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 thirteen (13) copies of the exceptions with the Commission's Docket Control at the address listed below by **4:00** p.m. on or before:

APRIL 20, 2009

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 Open Meeting to be held on:

APRIL 28, 2009 and APRIL 29, 2009

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.

Arizona Corporation Commission

DOCKETED

APR - 9 2009

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MICHAEL P. KEARNS
INTERIM EXECUTIVE DIRECTOR

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 COMMISSIONERS

3 KRISTIN K. MAYES - Chairman
4 GARY PIERCE
5 PAUL NEWMAN
6 SANDRA D. KENNEDY
7 BOB STUMP

8 IN THE MATTER OF THE APPLICATION OF
9 AMERICAN COMMUNICATIONS OF OHIO,
10 INC. FOR APPROVAL TO CANCEL ITS
11 CERTIFICATE OF CONVENIENCE AND
12 NECESSITY FOR CUSTOMER OWNED PAY
13 TELEPHONE SERVICE.

DOCKET NO. T-04068A-09-0025

DECISION NO. _____

ORDER

11 Open Meeting
12 April 28 and 29, 2009
13 Phoenix, Arizona

14 **BY THE COMMISSION:**

15 * * * * *

16 Having considered the entire record herein and being fully advised in the premises, the
17 Commission finds, concludes, and orders that:

FINDINGS OF FACT

18 1. In Commission Decision No. 64983 (June 26, 2002), the Arizona Corporation
19 Commission ("Commission") granted American Communications of Ohio, Inc., ("Applicant" or
20 "American") a Certificate of Convenience and Necessity ("CC&N") to provide customer owned pay
21 telephone ("COPT") services in Arizona.

22 2. On January 26, 2009, American filed an application with the Commission to cancel its
23 CC&N to provide COPT service.

24 3. On March 16, 2009, the Utilities Division of the Commission ("Staff") filed a
25 Memorandum in response to American's application to cancel its CC&N. According to Staff's
26 Memorandum, Staff contacted American, via telephone, and spoke with a Mr. Thomas Twiss, who
27 represented that he was authorized to file the application to cancel the CC&N. Mr. Twiss stated that
28

1 American no longer provides COPT services in the state of Arizona. Mr. Twiss also confirmed that
2 American does not wish to participate in a hearing in this matter.

3 4. The Commission's Compliance Section indicates that American has no outstanding
4 compliance issues.

5 5. Staff recommends approval of American's application to cancel its CC&N to provide
6 COPT services in Arizona.

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

8 **CONCLUSIONS OF LAW**

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

11 2. The Commission has jurisdiction over American and of the subject matter of the
12 application.

13 3. The cancellation of American's CC&N is in the public interest.

14 **ORDER**

15 IT IS THEREFORE ORDERED that the application of American Communications of Ohio,
16 Inc., for cancellation of its Certificate of Convenience and Necessity to provide customer owned pay
17 telephone services in Arizona is hereby granted.

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1 IT IS FURTHER ORDERED that the tariffs of American Communications of Ohio, Inc., are
2 hereby cancelled.

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

4 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.
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6
7 _____
8 CHAIRMAN

COMMISSIONER

9 _____
10 COMMISSIONER

COMMISSIONER

COMMISSIONER

11 IN WITNESS WHEREOF, I, MICHAEL P. KEARNS, Interim
12 Executive Director of the Arizona Corporation Commission,
13 have hereunto set my hand and caused the official seal of the
14 Commission to be affixed at the Capitol, in the City of Phoenix,
15 this _____ day of _____, 2009.

16 _____
17 MICHAEL P. KEARNS
18 INTERIM EXECUTIVE DIRECTOR

19 DISSENT _____

20 DISSENT _____

21 YBK:db
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SERVICE LIST FOR: THOMAS TWISS DBA AMERICAN
COMMUNICATIONS OF OHIO, INC.

DOCKET NO.: T-04068A-09-0025

Mr. Thomas Twiss
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