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ATION COMMISSION  
Arizona Corporation Commission

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WILLIAM A. MUNDELL  
Chairman  
JIM IRVIN  
Commissioner  
MARC SPITZER  
Commissioner

IN THE MATTER OF THE COMMISSION ON )  
ITS OWN MOTION INVESTIGATING THE )  
FAILURE OF NUMEROUS UTILITIES )  
TO FILE ANNUAL REPORTS FOR CUSTOMER )  
OWNED PAY TELEPHONE (COPT) SERVICE )  
PROVIDERS )

DOCKET NO T-00000A-01-0538

DECISION NO 63948

COMPLAINT AND ORDER  
TO SHOW CAUSE

DOCKET	COMPANY
T-02807A	Acp of California, Inc.
T-03747A	Advanced Telecom Integrations, Inc.
T-03508A	Adventure Communications
T-03184A	Atlantis Telecom, Inc.
T-03005A	Babe's Cabaret
T-03046A	Buckner Service Company
T-03179A	Casual Concepts
T-03037A	D J Communication
T-03077A	David Schoenhofen
T-02809A	Desert Pay Phones
T-03591A	Dynasty Telecom
T-02990A	Far North Communications
T-02785A	Gate Enterprises Inc.
T-03741A	High Country Communications, LLC
T-02831A	Imperial Telco
T-03071A	K Enterprises
T-03469A	Knight Comm.
T-02988A	Larry Schregardus
T-03814A	Laundry World
T-03438A	Lehan Communications
T-03347A	Louise Bietendorf
T-03368A	Mark Grabowski
T-02776A	Metro Link Communications
T-03272A	Millennium Capital Management, Inc.
T-03062A	Moore Communications
T-03684A	MP Telecommunication
T-03075A	Peter Hernandez
T-02894A	Philmar Communications
T-03752A	PSMG Telcom, Inc.

1	T-03682A	Public Communication Services, Inc.
2	T-03149A	Richard Kibler
3	T-03364A	RPM
4	T-03134A	Southwest Saguaro Communications
5	T-02840A	Suncomm Pay Telephones
6	T-03334A	Sunwest Communications
7	T-03236A	Texas O.A.P. Inc.
8	T-03169A	Thomas M. Clancy
9	T-02786A	TMC Communications
10	T-03212A	Topline Communications, Inc.
11	T-03143A	Tri-City Vending Svc.
12	T-02925A	Wilcox Communications

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Open Meeting  
August 7 and 8, 2001  
Phoenix, Arizona

BY THE COMMISSION:

FINDINGS OF FACT

The Arizona Corporation Commission ("Commission"), for its Complaint, alleges as follows:

I

The Commission is an agency of the State of Arizona, existing by virtue of Article 15 of the Arizona Constitution. William Mundell, Jim Irvin and Marc Spitzer are its qualified and elected Commissioners.

II

Respondents are public service corporations as defined by Article 15, Section 2 of the Arizona Constitution, and were issued Certificates of Convenience and Necessity in accordance with Arizona Revised Statutes Section 40-281.

III

As public service corporations, respondents are subject to the jurisdiction of the Commission with regard to the matters herein alleged.

IV

This Complaint is initiated and authorized pursuant to Arizona Revised Statutes, Sections 40-204, 40-425, 40-426, and Arizona Administrative Code R14-2-907.A.

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V

Investigation by the Commission's Staff ("Staff") reveals and the Commission alleges that Respondents have violated Arizona Revised Statutes and Commission Rules. The Commission alleges the following in support of its claim:

- A. Pursuant to Arizona Revised Statutes Section 40-204 and Arizona Administrative Code R14-2-907.A, all public service corporations authorized to provide Customer Owned Pay Telephone Service in Arizona are required to file an annual report on or before February 1, of each year.
- B. Despite repeated attempts by the Staff to persuade Respondents to file such reports, Respondents have failed to do so and are thus in violation of Arizona Revised Statutes Section 40-204 and Arizona Administrative Code, R14-2-907.A.
- C. Pursuant to Arizona Revised Statutes Section 40-204, Respondents are in contempt of the Commission for their failure to comply with the aforementioned rules and requirements of the Commission.

VI

The violations of Respondents to the aforementioned rules and requirements, as alleged herein, constitutes grounds to assess a civil penalty against Respondents pursuant to Arizona Revised Statutes Section 40-424 and 40-425, in an amount not less than \$100 nor more than \$5,000 for each violation, and/or revoke respondents' Certificate of Convenience and Necessity.

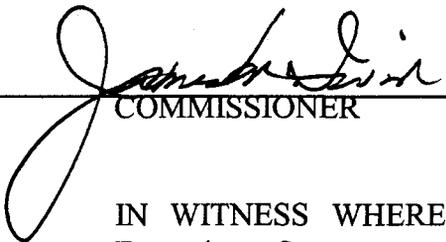
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ORDER

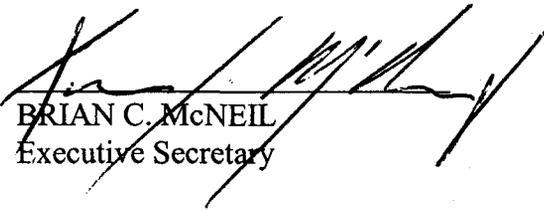
IT IS THEREFORE ORDERED, that Respondents appear before the Arizona Corporation Commission at a time and place designated by the Commission's Hearing Division and show cause why the Commission should not find Respondents in violation and contempt of Arizona Laws and Commission rules, and show cause why the Commission should not assess against Respondents penalties as provided in Arizona Revised Statutes Sections 40-424 and 40-425, or cancel the respondents' Certificate of Convenience and Necessity.

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

**BY ORDER OF THE ARIZONA CORPORATION COMMISSION**

		
CHAIRMAN	COMMISSIONER	COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Secretary of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be affixed at the Capitol, in the City of Phoenix, this ~~23rd~~ <sup>10th</sup> day of ~~July~~ <sup>August</sup>, 2001.


BRIAN C. McNEIL Executive Secretary

DISSENT: \_\_\_\_\_

SMO:CGM:nms/

- 1 T-02807A
- 2 ACP of California, Inc.
- 3 5808 Pacific Center Blvd.
- 4 San Diego CA 92121
- 5 T-03747A
- 6 Advanced Telecom Integrations, Inc.
- 7 1600 North Jackson
- 8 Jacksonville TX 75766
- 9 T-03508A
- 10 Adventure Communications
- 11 7401 E. Fillmore St.
- 12 Scottsdale AZ 85257
- 13 T-03184A
- 14 Atlantis Telecom, Inc.
- 15 1255 S. Swan
- 16 Tucson AZ 85711
- 17 T-03005A
- 18 Babe's Cabaret
- 19 2011 N. Scottsdale Road
- 20 Scottsdale AZ 85257
- 21 T-03046A
- 22 Buckner Service Company
- 23 11927 N. 79<sup>TH</sup> Ave.
- 24 Peoria AZ 85345
- 25 T-03179A
- 26 Casual Concepts
- 27 2603 N. Pennington
- 28 Chandler AZ 85224

- 22 T-03037A
- 23 DJ Communication
- 24 2121 W. Royal Palm Road #1114
- 25 Phoenix AZ 85021

- 25 T-03077A
- 26 David Schoenhofen
- 27 5555 W. Warner, Ste. 77
- 28 Chandler AZ 85224

- 1 T-02809A
- 2 Desert Pay Phones
- 3 6850 N. Palermo Way
- 4 Tucson AZ 85704
- 5 T-03591A
- 6 Dynasty Telecom
- 7 4408 E. Burgess Ln.
- 8 Phoenix AZ 85040
- 9 T-02990A
- 10 Far North Communications
- 11 P. O. Box 1533
- 12 Sun City AZ 85372
- 13 T-02785A
- 14 Gate Enterprises Inc.
- 15 P. O. Box 1126
- 16 Glendale AZ 85311-1126
- 17 T-03741A
- 18 High Country Communications, LLC
- 19 11175 Lupine Lane
- 20 Flagstaff AZ 86004
- 21 T-02831A
- 22 Imperial Telco
- 23 2811 W. Claremont
- 24 Phoenix AZ 85017
- 25 T-03071A
- 26 K Enterprises
- 27 7049 E. Tanque Verde Road
- 28 Tucson AZ 85715
- 29 T-03469A
- 30 Knight Comm.
- 31 1515 N. Central Ave.
- 32 Phoenix AZ 85004
- 33 T-02988A
- 34 Larry Schregardus
- 35 12231 N. 19<sup>TH</sup> Street, Ste. 125
- 36 Phoenix AZ 85022
- 37
- 38

- 1 T-03814A
- 2 Laundry World
- 3 10645 North Tatum Blvd., Ste. 200-148
- 4 Phoenix AZ 85028
- 5 T-03438A
- 6 Lehan Communications
- 7 3916 N. Paradise Rd.
- 8 Flagstaff AZ 86004
- 9 T-03347A
- 10 Louise Bietendorf
- 11 1067 W. Miracle Mile #78
- 12 Tucson AZ 85705
- 13 T-03368A
- 14 Mark Grabowski
- 15 2255 E. Carol Ave.
- 16 Mesa AZ 85204
- 17 T-02776
- 18 Metro Link Communications
- 19 P. O. Box 48962
- 20 Phoenix AZ 85075
- 21 T-03272A
- 22 Millennium Capital Management, Inc.
- 23 1800 2<sup>ND</sup> St., Ste. 705
- 24 Sarasota FL 34236
- 25 T-03062A
- 26 Moore Communications
- 27 6065 S. Oakmont Drive
- 28 Chandler AZ 85284
- 29 T-03684A
- 30 MP Telecommunication
- 31 1311 Pine Acres Blvd
- 32 Bay Shore NY 11706
- 33 T-03075A
- 34 Peter Hernandez
- 35 919 N. Alvernon Way, Apt. 13
- 36 Tucson AZ 85711
- 37
- 38

- 1 T-02894A  
2 Philmar Communications  
3 1619 South 31<sup>ST</sup> Ave.  
4 Phoenix AZ 85009
- 5 T-03752A  
6 PSMG Telcom, Inc.  
7 2101 Bison Dr.  
8 Boulder CO 80302
- 9 T-03682A  
10 Public Communication Services, Inc.  
11 11859 Wilshire Blvd., Ste. 600  
12 Los Angeles CA 90025
- 13 T-03149A  
14 Richard Kibler  
15 7255 E. Snyder Road, Apt. 6101  
16 Tucson AZ 85750
- 17 T-03364A  
18 RPM  
19 5815 N. 18<sup>TH</sup> Place  
20 Phoenix AZ 85016
- 21 T-03134A  
22 Southwest Saguaro Communications  
23 221 E. 7<sup>TH</sup> Drive  
24 Mesa AZ 85210-2517
- 25 T-02840A  
26 Suncomm Pay Telephones  
27 9990 N. Scottsdale Rd., Apt. 1024  
28 Cave Creek AZ 85253
- T-03334A  
Sunwest Communications  
1233 N. Mesa Dr. #115  
Mesa AZ 85201
- T-03236A  
Texas O.A.P. Inc.  
2950 I Escoba Drive  
Palm Springs CA 92264

1 T-03169A  
2 Thomas M. Clancy  
3 9825 E. Morning Star Dr.  
4 Tucson AZ 85749

5 T-02786A  
6 TMC Communications  
7 2300 W. San Angelo, #2016  
8 Gilbert AZ 85233

9 T-03212A  
10 Topline Communications, Inc.  
11 5450 E. Charter Oak Road  
12 Scottsdale AZ 85254

13 T-03143A  
14 Tri-City Vending Svc.  
15 P. O. Box 674  
16 Litchfield AZ 85340

17 T-02925A  
18 Wilcox Communications  
19 15821 N. 28<sup>TH</sup> Drive  
20 Phoenix AZ 85023

21 Christopher C. Kempley,  
22 Chief Counsel  
23 Legal Division  
24 ARIZONA CORPORATION COMMISSION  
25 1200 West Washington Street  
26 Phoenix, Arizona 85007

27 Steven M. Olea,  
28 Acting Director  
Utilities Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, Arizona 85007

**WILLIAM A. MUNDELL**  
CHAIRMAN  
**JIM IRVIN**  
COMMISSIONER  
**MARC SPITZER**  
COMMISSIONER



**BRIAN C. McNEIL**  
EXECUTIVE SECRETARY

**ARIZONA CORPORATION COMMISSION**

July 24, 2001

Dear Interested Party:

Enclosed is the Commission Staff's transmittal memorandum and proposed order on the Commission's own motion for an Order to Show Cause for failure to file annual reports by numerous companies (Docket No. T-00000A-01-0538). This is only a Staff recommendation to the Commission; it has not yet become an order of the Commission. The Commission can decide to accept, amend or reject Staff's proposed order.

This matter is scheduled for Commission deliberation at its Open Meeting on August 7, 2001, at 10:00 a.m. and August 8, 2001, at 10:00 a.m.

If you have any questions about this matter, please contact Carmen Madrid of our Staff at (602) 542-0848, or me, at (602) 542-2770.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven M. Olea", written over a horizontal line.

Steven M. Olea  
Acting Director  
Utilities Division

SMO:CGM/nms

Enclosures