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ORIGINAL

OPEN MEETING

MEMORANDUM

Arizona Corporation Commission

DOCKETED

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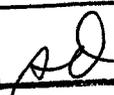
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TO: THE COMMISSION

FROM: Utilities Division

DATE: July 23, 2001

JUL 24 2001

DOCKETED BY 

AZ CORP COMMISSION
DOCUMENT CONTROL

RE: 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)

Pursuant to Arizona Revised Statutes Section 40-204 and Arizona Administrative Codes 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. According to Staff records, the following utilities have failed to file a 2000 utility annual report by the due date:

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.
T-03682A	Public Communication Services, Inc.
T-03149A	Richard Kibler
T-03364A	RPM
T-03134A	Southwest Saguro Communications
T-02840A	Suncomm Pay Telephones
T-03334A	Sunwest Communications
T-03236A	Texas O.A.P. Inc.
T-03169A	Thomas M. Clancy
T-02786A	TMC Communications
T-03212A	Topline Communications, Inc.
T-03143A	Tri-City Vending Svc.
T-02925A	Wilcox Communications

Follow-up activities by Staff have included delinquent notices being sent from the Utilities Division on February 28, 2001, and April 30, 2001, telephone calls responding to extensions, answers to questions regarding notices and cancellations (including faxes and e-mails).

Staff recommends that the above referenced public service corporations be ordered to appear and show cause why the Commission should not find them in violation of Arizona Laws and Commission Rules, and show cause why Commission should not assess penalties as provided in Arizona Revised Statutes Section 40-424 and 40-425 for failure to file a 2000 annual report or cancellation of the respondent's Certificate of Convenience and Necessity.



Steven M. Olea
Acting Director
Utilities Division

SMO:CGM:nms/DMW

ORIGINATOR: Carmen G. Madrid

BEFORE THE ARIZONA CORPORATION COMMISSION

1
2 WILLIAM A. MUNDELL
Chairman
3 JIM IRVIN
Commissioner
4 MARC SPITZER
Commissioner
5

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

DOCKET NO T-00000A-01-0538

DECISION NO _____

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
	T-03364A	RPM
3	T-03134A	Southwest Saguaro Communications
4	T-02840A	Suncomm Pay Telephones
	T-03334A	Sunwest Communications
5	T-03236A	Texas O.A.P. Inc.
	T-03169A	Thomas M. Clancy
6	T-02786A	TMC Communications
7	T-03212A	Topline Communications, Inc.
	T-03143A	Tri-City Vending Svc.
8	T-02925A	Wilcox Communications

9

10 Open Meeting
 11 August 7 and 8, 2001
 12 Phoenix, Arizona

13 BY THE COMMISSION:

14 FINDINGS OF FACT

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

16 I

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

20 II

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

24 III

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

27 IV

28 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 day of July, 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. 79TH Ave.
24 Peoria AZ 85345
- 25 T-03179A
26 Casual Concepts
27 2603 N. Pennington
28 Chandler AZ 85224
- T-03037A
DJ Communication
2121 W. Royal Palm Road #1114
Phoenix AZ 85021
- T-03077A
David Schoenhofen
5555 W. Warner, Ste. 77
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
- T-03469A
Knight Comm.
1515 N. Central Ave.
Phoenix AZ 85004
- T-02988A
Larry Schregardus
12231 N. 19TH Street, Ste. 125
Phoenix AZ 85022

- 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 2ND St., Ste. 705
24 Sarasota FL 34236
- 25 T-03062A
26 Moore Communications
27 6065 S. Oakmont Drive
28 Chandler AZ 85284
- T-03684A
MP Telecommunication
1311 Pine Acres Blvd
Bay Shore NY 11706
- T-03075A
Peter Hernandez
919 N. Alvernon Way, Apt. 13
Tucson AZ 85711

- 1 T-02894A
- 2 Philmar Communications
- 3 1619 South 31ST 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. 18TH Place
- 20 Phoenix AZ 85016
- 21 T-03134A
- 22 Southwest Saguaro Communications
- 23 221 E. 7TH 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
- 29 T-03334A
- 30 Sunwest Communications
- 31 1233 N. Mesa Dr. #115
- 32 Mesa AZ 85201
- 33 T-03236A
- 34 Texas O.A.P. Inc.
- 35 2950 I Escoba Drive
- 36 Palm Springs CA 92264
- 37
- 38

- 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. 28TH 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