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MEMORANDUM
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TO: Docket Control
FROM: Steven M. Olea
Director
Utilities Division

EA for SMO

2009 OCT 23 1P 2: 29
AZ CORP COMMISSION
DOCKET CONTROL

DATE: October 23, 2009

RE: IN THE MATTER OF THE APPLICATION OF RONALD L. THOMAS DBA DIAMONDBACK PAYPHONE FOR APPROVAL TO CANCEL THEIR CERTIFICATE OF CONVENIENCE AND NECESSITY FOR CUSTOMER OWNED PAY TELEPHONE SERVICES. (DOCKET NO. T-02868A-09-0422)

On September 3, 2009, Ronald L. Thomas d/b/a Diamondback Payphone ("Diamondback" or "Applicant") filed an application to cancel its Certificate of Convenience and Necessity ("CC&N") to provide customer owned pay telephone ("COPT") service. The Commission granted Diamondback a CC&N to provide COPT service in Decision No. 59153, dated July 20, 1995.

Staff contacted the Applicant and verified that he is the authorized person that made the application. The Applicant stated that the company no longer provides COPT service in the state of Arizona. In the application, the Applicant did not waive his right to a hearing and did not waive his right to receive notice of a hearing in order to cancel the CC&N. However, Staff was able to contact the Applicant via telephone on September 23, 2009. The applicant indicated that he did not want to participate in a hearing in this matter.

The Compliance Section of the Utilities Division indicates that the Applicant does not have any outstanding compliance issues that need to be addressed with the Commission. The Applicant is not listed in the Compliance Database, therefore, no delinquencies were found. The Consumer Services Section of the Utilities Division indicates that there have been no complaints, inquiries, or opinions filed for Diamondback from January 1, 2006 to present. The Corporations Division reports no listing on file for the Applicant as of September 16, 2009.

Staff recommends that the application to cancel the CC&N be approved. Upon cancellation of its CC&N, the Applicant will not be authorized to provide COPT telecommunications services in the state of Arizona and therefore, will not be subject to any of the requirements of Decision No. 59153.

SMO:CLA:tdp

Originator: Candrea Allen

Arizona Corporation Commission
DOCKETED

OCT 23 2009

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SERVICE LIST FOR: RONALD L. THOMAS D/B/A DIAMONDBACK PAYPHONE
DOCKET NO.: T-02868A-09-0422

Mr. Ronald L. Thomas
5458 West Mohawk Lane
Glendale, Arizona 85308-9331

Ms. Janice Alward
Chief Counsel, Legal Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

Mr. Steven M. Olea
Director, Utilities Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

Ms. Lyn Farmer
Chief Administrative Law Judge, Hearing Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007