

ORIGINAL

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



ARIZONA CORPORATION COMMISSION

DATE: OCTOBER 30, 2009

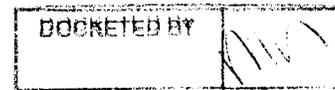
Arizona Corporation Commission

DOCKETED

DOCKET NO.: T-03504A-08-0026

OCT 30 2009

TO ALL PARTIES:



Enclosed please find the recommendation of Administrative Law Judge Belinda A. Martin. The recommendation has been filed in the form of an Order on:

SMARTSTOP, 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:

NOVEMBER 9, 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:

NOVEMBER 19, 2009 and NOVEMBER 20, 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.

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AZ CORPORATION COMMISSION
DOCKET CONTROL

ERNEST G. JOHNSON
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
9 OF SMARTSTOP, INC. FOR THE
10 APPROVAL OF THE SALE OF ASSETS
AND/OR CANCELLATION OF THE
CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE CUSTOMER-
OWNED PAY TELEPHONE SERVICE IN
THE STATE OF ARIZONA.

DOCKET NO. T-03504A-08-0026

DECISION NO. _____

ORDER

11 Open Meeting
12 November 19 and 20, 2009
13 Phoenix, Arizona

BY THE COMMISSION:

14 Having considered the entire record herein and being fully advised in the premises, the
15 Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

16 **FINDINGS OF FACT**

17 1. SmartStop, Inc. ("Applicant") has a Certificate of Convenience and Necessity
18 ("Certificate") to provide customer-owned pay telephone ("COPT") service in the State of Arizona
19 pursuant to Decision No. 60921 (May 22, 1998).

20 2. On January 14, 2008, the Applicant filed with the Commission an application for
21 cancellation of the Certificate ("Application").

22 3. On October 23, 2009, the Commission's Utilities Division Staff ("Staff") filed a Staff
23 Report, recommending approval of the Application and cancellation of the Applicant's Certificate
24 without a hearing.

25 4. According to Staff, on August 6, 2008, they contacted Gregg Marshall, the
26 Applicant's President, and confirmed that he is authorized to submit the Application. Staff also
27 verified that the Applicant does not wish to have a hearing in order to cancel the Certificate.

28 5. Staff stated that the Consumer Services Section of the Utilities Division reported that

1 from January 1, 2005, through August 10, 2009, there were no consumer complaints, inquiries, or
2 opinions filed against the Applicant. Staff stated that the Applicant has no outstanding compliance
3 items.

4 6. Staff notes that the Commission's Corporations Division reported that it revoked the
5 Applicant's corporate status on October 31, 2007, because of a non-deliverable mailing address.

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

7 **CONCLUSIONS OF LAW**

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

10 2. The Commission has jurisdiction over the Applicant and the subject matter of the
11 Application.

12 3. The cancellation of the Applicant's Certificate is in the public interest.

13 4. Pursuant to A.R.S. § 40-282, the Commission may issue Decisions regarding COPT
14 Certificates without a hearing.

15 5. Staff's recommendation is reasonable and should be adopted.

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ORDER

IT IS THEREFORE ORDERED that the Application of SmartStop, Inc. for the cancellation of the Certificate of Convenience and Necessity to provide customer-owned pay telephone service is approved.

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

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

CHAIRMAN

COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, ERNEST G. JOHNSON, 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 _____ day of _____, 2009.

ERNEST G. JOHNSON
EXECUTIVE DIRECTOR

DISSENT _____

DISSENT _____

1 SERVICE LIST FOR: SMARTSTOP, INC.

2 DOCKET NO.: T-03504A-08-0026

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