

ORIGINAL

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



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Executive Director

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ARIZONA CORPORATION COMMISSION

DATE: OCTOBER 30, 2009

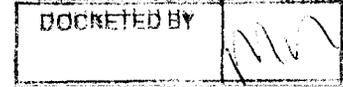
Arizona Corporation Commission

DOCKET NO.: T-02898A-08-0080

DOCKETED

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:

AVS, 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 CORP 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 AVS, INC. FOR THE APPROVAL OF  
10 THE SALE OF ASSETS AND/OR  
11 CANCELLATION OF THE CERTIFICATE  
12 OF CONVENIENCE AND NECESSITY TO  
13 PROVIDE CUSTOMER-OWNED PAY  
14 TELEPHONE SERVICE IN THE STATE OF  
15 ARIZONA.

DOCKET NO. T-02898A-08-0080

DECISION NO. \_\_\_\_\_

ORDER

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

14 **BY THE COMMISSION:**

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

17 FINDINGS OF FACT

18 1. AVS, Inc. ("Applicant") has a Certificate of Convenience and Necessity  
19 ("Certificate") to provide customer-owned pay telephone ("COPT") service in the State of Arizona  
20 pursuant to Decision No. 59342 (October 11, 1995).

21 2. On February 11, 2008, the Applicant filed with the Commission an application for  
22 cancellation of the Certificate ("Application").

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

26 4. According to Staff, on July 27, 2009, they contacted Frank Berg, the Applicant's  
27 President, and confirmed that he is authorized to submit the Application. Staff also verified that the  
28 Applicant does not wish to have a hearing in order to cancel the Certificate.

5. Staff stated that the Consumer Services Section of the Utilities Division ("Consumer

1 Services”) reported that from January 1, 2005, through July 27, 2009, there were no consumer  
2 complaints, inquiries, or opinions filed against the Applicant. Staff stated that the Compliance  
3 Section of the Utilities Division indicated that the Applicant is not listed in its compliance database.

4 6. Staff notes that Consumer Services also reported that the Applicant is not incorporated  
5 with the Commission’s Corporations Division.

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 AVS, 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: AVS, INC.  
2 DOCKET NO.: T-02898A-08-0080

3  
4 Frank Berg, President  
AVS, INC.  
1833 East Baseline Road, #253  
5 Gilbert Arizona 85233

6 Janice Alward, Chief Counsel  
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7 ARIZONA CORPORATION COMMISSION  
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8 Phoenix, Arizona 85007

9 Steven M. Olea, Director  
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