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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

Arizona Corporation Commission

DOCKETED

DEC -8 2009

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

DOCKETED BY nr

IN THE MATTER OF THE APPLICATION
OF AVS, INC. FOR THE 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-02898A-08-0080

DECISION NO. 71406

ORDER

Open Meeting
November 19 and 20, 2009
Phoenix, Arizona

BY THE COMMISSION:

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

FINDINGS OF FACT

1. AVS, Inc. ("Applicant") has a Certificate of Convenience and Necessity ("Certificate") to provide customer-owned pay telephone ("COPT") service in the State of Arizona pursuant to Decision No. 59342 (October 11, 1995).
2. On February 11, 2008, the Applicant filed with the Commission an application for cancellation of the Certificate ("Application").
3. On October 23, 2009, the Commission's Utilities Division Staff ("Staff") filed a Staff Report, recommending approval of the Application and cancellation of the Applicant's Certificate without a hearing.
4. According to Staff, on July 27, 2009, they contacted Frank Berg, the Applicant's President, and confirmed that he is authorized to submit the Application. Staff also verified that the 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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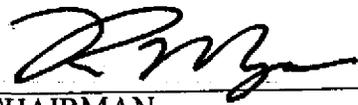
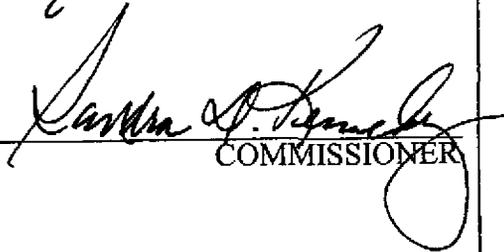
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ORDER

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 8th day of December, 2009.


ERNEST G. JOHNSON
EXECUTIVE DIRECTOR

DISSENT _____

DISSENT _____

1 SERVICE LIST FOR: AVS, INC.
2 DOCKET NO.: T-02898A-08-0080

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4 Mr. Frank E. Berg
5 AVS, Inc.
6 60 West Melody Drive
7 Gilbert, Arizona 85233-1526

8 Janice Alward, Chief Counsel
9 Legal Division
10 ARIZONA CORPORATION COMMISSION
11 1200 West Washington Street
12 Phoenix, Arizona 85007

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