

OPEN MEETING ITEM



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



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A.A.C. CORP COMMISSION
DOCKET CONTROL

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ARIZONA CORPORATION COMMISSION

DATE: JULY 1, 2010
DOCKET NO.: T-03866A-09-0540

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:

RIM ASSOCIATES, INC. DBA FAMOUS SAM'S
(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:

JULY 12, 2010

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:

JULY 27, 2010 and JULY 28, 2010

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.

Arizona Corporation Commission
DOCKETED

JUL -1 2010

DOCKETED BY

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 OF
9 RIM ASSOCIATES, INC. DBA FAMOUS SAM'S
10 FOR THE APPROVAL OF THE SALE OF ASSETS
11 AND/OR CANCELLATION OF THE
12 CERTIFICATE OF CONVENIENCE AND
13 NECESSITY TO PROVIDE CUSTOMER-OWNED
14 PAY TELEPHONE SERVICE IN THE STATE OF
15 ARIZONA.

DOCKET NO. T-03866A-09-0540

DECISION NO. _____

ORDER

11 Open Meeting
12 July 27 and 28, 2010
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. Rim Associates, Inc., d/b/a Famous Sam's ("Applicant") has a Certificate of
19 Convenience and Necessity ("Certificate") to provide customer-owned pay telephone ("COPT")
20 service in the State of Arizona pursuant to Decision No. 62728 (June 30, 2000).

21 2. On November 23, 2009, the Applicant filed with the Commission an application for
22 cancellation of the Certificate ("Application").

23 3. On June 18, 2010, 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 December 14, 2009, they contacted Shawn Sloan and
27 confirmed that he is authorized to submit the Application. Staff also verified that the Applicant does
28 not wish to have a hearing in order to cancel the Certificate.

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

1 from January 1, 2006, through December 8, 2009, there were no consumer complaints, inquiries, or
2 opinions filed against the Applicant. Staff noted that the Compliance Section of the Utilities Division
3 indicated that the Applicant does not have any outstanding compliance issues with the Commission.
4 Finally, Staff noted that the Applicant is in good standing with the Commission's Corporations
5 Division.

6 6. 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

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IT IS THEREFORE ORDERED that the Application of Rim Associates, Inc., d/b/a Famous Sam's, for the cancellation of its Certificate of Convenience and Necessity to provide customer-owned pay telephone service is approved and its Certificate of Convenience and Necessity is hereby cancelled.

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 _____, 2010.

ERNEST G. JOHNSON
EXECUTIVE DIRECTOR

DISSENT _____

DISSENT _____

1 SERVICE LIST FOR: RIM ASSOCIATES, INC. DBA FAMOUS SAM'S

2 DOCKET NO.: T-03866A-09-0540

3
4 Shawn Sloan
5 RIM ASSOCIATES, INC.
6 307 South Beeline Highway, Suite J
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8 Janice Alward, Chief Counsel
9 Legal Division
10 ARIZONA CORPORATION COMMISSION
11 1200 West Washington Street
12 Phoenix, AZ 85007

13 Steven M. Olea, Director
14 Utilities Division
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