

OPEN MEETING ITEM



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



ORIGINAL RECEIVED

ARIZONA CORPORATION COMMISSION

2010 NOV -2 P 2:02

DATE: NOVEMBER 2, 2010

AZ CORP COMMISSION
DOCKET CONTROL

DOCKET NO.: T-03972A-10-0097

TO ALL PARTIES:

Enclosed please find the recommendation of Administrative Law Judge Yvette B. Kinsey. The recommendation has been filed in the form of an Order on:

RALPH TIPPLE dba COM-TECH SYSTEMS
(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 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:

NOVEMBER 22, 2010 and NOVEMBER 23, 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

NOV - 2 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 RALPH TIPPLE DBA COM-TECH SYSTEMS FOR
10 CANCELLATION OF THE CERTIFICATE OF
11 CONVENIENCE AND NECESSITY TO PROVIDE
12 CUSTOMER-OWNED PAY TELEPHONE
13 SERVICE IN THE STATE OF ARIZONA.

DOCKET NO. T-03972A-10-0097

DECISION NO. _____

ORDER

14 Open Meeting
15 November 22 and 23, 2010
16 Phoenix, Arizona

17 **BY THE COMMISSION:**

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

20 **FINDINGS OF FACT**

21 1. In Commission Decision No. 63607 (April 24, 2001), the Arizona Corporation
22 Commission ("Commission") granted Ralph Tipple dba Com-Tech Systems ("Com-Tech") a
23 Certificate of Convenience and Necessity ("Certificate") to provide customer owned pay telephone
24 ("COPT") service in Arizona.

25 2. On June 16, 2010, Com-Tech filed an application with the Commission requesting to
26 cancel its CC&N to provide COPT services in Arizona. The application states that Com-Tech is no
27 longer providing or has never provided COPT service in Arizona.

28 3. On September 3, 2010, the Commission's Utilities Division Staff ("Staff") filed a
memorandum in response to Com-Tech's application to cancel its CC&N. Staff states it contacted
Mr. Ralph Tipple, president of Com-Tech and that he verified that he is authorized to file the
application on behalf of Com-Tech; Com-Tech's telephones have been sold and the equipment
removed; and that Com-Tech waives its right to notice and a hearing in this matter. Staff further

1 states that no complaints, inquiries, or opinions have been filed against Com-Tech as of March 17,
2 2010; Com-Tech is good standing with the Commission's Corporations Division; and that Com-Tech
3 was administratively dissolved on October 24, 2007, for failure to file annual reports. Based on the
4 above information, Staff recommends approval of Com-Tech's application to cancel its CC&N.

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

6 **CONCLUSIONS OF LAW**

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

9 2. The Commission has jurisdiction over Com-Tech and the subject matter of the
10 application.

11 3. The cancellation of Com-Tech's CC&N is in the public interest.

12 4. Com-Tech waives its right to notice and a hearing in this matter.

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

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ORDER

IT IS THEREFORE ORDERED that Ralph Tipple dba Com-Tech System's Certificate of Convenience and Necessity, granted in Commission Decision No. 63607 (April 24, 2001) to provide customer-owned pay telephone service in Arizona 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: RALPH TIPPLE dba COM-TECH SYSTEMS

2 DOCKET NO.: T-03972A-10-0097

3 Ralph Tipple
4 dba COM-TECH SYSTEMS
5 3709 W. Way St., Suite A
6 Tyler, TX 75703

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

12 Steven M. Olea, Director
13 Utilities Division
14 ARIZONA CORPORATION COMMISSION
15 1200 West Washington Street
16 Phoenix, AZ 85007

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