

OPEN MEETING ITEM



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COMMISSIONERS
GARY PIERCE - Chairman
BOB STUMP
SANDRA D. KENNEDY
PAUL NEWMAN
BRENDA BURNS

ORIGINAL



ARIZONA CORPORATION COMMISSION

Executive Director
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ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

DATE: MARCH 11, 2011

DOCKET NO.: T-02959A-11-0053

TO ALL PARTIES:

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

MARGLEN, INC. DBA FAMOUS SAM'S #15
(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:

MARCH 21, 2011

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:

MARCH 29, 2011 and MARCH 30, 2011

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

MAR 11 2011

DOCKETED BY *PEB*

E. G. Johnson
ERNEST G. JOHNSON
EXECUTIVE DIRECTOR

1200 WEST WASHINGTON STREET, PHOENIX, ARIZONA 85007-2927 / 400 WEST CONGRESS STREET, TUCSON, ARIZONA 85701-1347
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This document is available in alternative formats by contacting Shaylin Bernal, ADA Coordinator, voice phone number 602-542-3931, E-mail SABernal@azcc.gov

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 COMMISSIONERS

3 GARY PIERCE - Chairman
4 BOB STUMP
5 SANDRA D. KENNEDY
6 PAUL NEWMAN
7 BRENDA BURNS

8 IN THE MATTER OF THE APPLICATION OF
9 MARGLEN INC. DBA FAMOUS SAM'S #15
FOR APPROVAL TO CANCEL ITS
CERTIFICATE OF CONVENIENCE AND
NECESSITY.

DOCKET NO. T-02959A-11-0053

DECISION NO. _____

ORDER

10 Open Meeting
11 March 29 and 30, 2011
Phoenix, Arizona

12 **BY THE COMMISSION:**

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

15 **FINDINGS OF FACT**

16 1. In Commission Decision No. 59335 (May 15, 1995), the Commission granted
17 Marglen Inc. dba Famous Sam's #15 ("Famous Sam's" or "Applicant") a Certificate of Convenience
18 and Necessity ("CC&N") to provide customer owned pay telephone ("COPT") service in Arizona.

19 2. On January 31, 2011, Famous Sam's filed an application with the Commission
20 requesting approval to cancel its CC&N to provide COPT service in Arizona.

21 3. On February 24, 2011, the Commission's Utilities Division ("Staff") filed a
22 Memorandum in this docket, in which Staff recommends approval of the application.

23 4. Staff contacted Mark Rhude, who is the president of Marglen Inc. Mr. Rhude
24 indicated to Staff that Famous Sam's has not done business in Arizona since November 2009, and
25 that Famous Sam's waives its right to a hearing in this matter.

26 5. Staff's Compliance Section shows no compliance delinquencies.

27 6. Staff's Consumer Services Section shows no complaints, inquiries, or opinions filed
28

1 against Famous Sam's.

2 7. Applicant is in good standing with the Commission's Corporations Division.

3 8. Staff recommends approval of the application.

4 9. Staff's recommendation for approval of Famous Sam's application for cancellation of
5 its CC&N is reasonable and should be adopted.

6 **CONCLUSIONS OF LAW**

7 1. Marglen Inc. dba Famous Sam's #15 is a public service corporation within the
8 meaning of Article XV of the Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

9 2. The Commission has jurisdiction over Marglen Inc. dba Famous Sam's #15 and the
10 subject matter of the application.

11 3. The cancellation of Marglen Inc. dba Famous Sam's #15's CC&N to provide customer
12 owned pay telephone services in Arizona is in the public interest.

13 4. Marglen Inc. dba Famous Sam's #15 waived its right to notice and a hearing in this
14 matter.

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

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ORDER

IT IS THEREFORE ORDERED that the Certificate of Convenience and Necessity granted to Marglen Inc. dba Famous Sam's #15 in Commission Decision No. 59335 (May 15, 1995) to provide customer-owned pay telephone service in Arizona is hereby cancelled.

IT IS FURTHER ORDERED that Marglen Inc. dba Famous Sam's #15 is no longer authorized to provide customer owned pay telephone services in Arizona, and is no longer subject to any of the requirements of Decision No. 59335.

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 _____, 2011.

ERNEST G. JOHNSON
EXECUTIVE DIRECTOR

DISSENT _____

DISSENT _____

TMJ:db

1 SERVICE LIST FOR: MARGLEN INC. DBA FAMOUS SAM'S #15

2 DOCKET NO.: T-02959A-11-0053

3 Mark Rhude
4 6900 East Tanque Verde
5 Tucson, AZ 85715

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

11 Steven M. Olea, Director
12 Utilities Division
13 ARIZONA CORPORATION COMMISSION
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