

ORIGINAL

OPEN MEETING ITEM



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



ARIZONA CORPORATION COMMISSION

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AZ CORP COMMISSION
DOCKET CONTROL

DATE: MARCH 14, 2011
DOCKET NO.: T-03328A-10-0462

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:

JAMES JAY FRITTON
(CANCEL CC&N/COPT)

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 23, 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 14 2011

DOCKETED BY

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 SBernal@azcc.gov

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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

IN THE MATTER OF THE APPLICATION
OF JAMES JAY FRITTON FOR APPROVAL
TO CANCEL CERTIFICATE OF
CONVENIENCE AND NECESSITY FOR
CUSTOMER OWNED PAY TELEPHONE
SERVICE.

DOCKET NO. T-03328A-10-0462

DECISION NO. _____

ORDER

Open Meeting
March 29 and 30, 2011
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. In Commission Decision No. 60213 (May 19, 1997), the Arizona Corporation Commission ("Commission") granted James Jay Fritton ("James Jay Fritton" or "Applicant") a Certificate of Convenience and Necessity ("CC&N") to provide customer owned pay telephone ("COPT") service in Arizona.

2. November 12, 2010, L. Michelle Rulney on behalf of the Estate of James Jay Fritton filed an application with the Commission requesting approval to sell the COPT assets pursuant to A.R.S. § 40-285 and to cancel the CC&N to provide COPT service in Arizona. Arizona Superior Court documents attached to application indicate that L. Michelle Rulney and Amy C. Fritton are the personal representatives authorized to conduct business on behalf of the Estate of James Jay Fritton.

3. On January 25, 2011, the Commission's Utilities Division Staff ("Staff") filed a Memorandum in response to James Jay Fritton's request to cancel its CC&N. Staff states it contacted L. Michelle Rulney and verified that James Jay Fritton no longer provides COPT service in Arizona.

1 According to Staff, James Jay Fritton ceased providing COPT service in Arizona on February 27,
2 2010 and that L. Michelle Rulney waived the company's right to a hearing in this matter. Staff
3 further states that the Commission's Consumer Services Section shows that no complaints, inquiries,
4 or opinions have been filed against James J. Fritton as of November 18, 2010 and that the
5 Commission's Compliance Section indicated no compliance delinquencies for the Applicant.
6 According to Staff, the Commission's Corporations Division reports that there is no listing for James
7 Jay Fritton.

8 4. Staff recommends approval of James Jay Fritton's request to cancel its CC&N.

9 5. Staff's recommendation for approval of James Jay Fritton's request to cancel its
10 CC&N, is reasonable and should be adopted. Further, it is also appropriate to grant the Applicant's
11 request to sell its COPT assets pursuant to A.R.S. § 40-285.

12 **CONCLUSIONS OF LAW**

13 1. James Jay Fritton is a public service corporation within the meaning of Article XV of
14 the Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

15 2. The Commission has jurisdiction over James Jay Fritton and the subject matter of the
16 application.

17 3. The cancellation of James Jay Fritton's CC&N to provide customer owned pay
18 telephone services in Arizona and to sell its COPT assets is in the public interest.

19 4. James Jay Fritton waives its right to notice and a hearing in this matter.

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

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ORDER

IT IS THEREFORE ORDERED that James Jay Fritton's Certificate of Convenience and Necessity, granted in Commission Decision No. 60213 (May 19, 1997) to provide customer-owned pay telephone service in Arizona is hereby cancelled.

IT IS FURTHER ORDERED that James Jay Fritton's request to sell its customer owned pay telephone service assets pursuant to A.R.S. § 40-285 is hereby granted.

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 _____

YBK:db

1 SERVICE LIST FOR: JAMES JAY FRITTON.

2 DOCKET NO.: T-03328A-10-0462

3 James Jay Fritton
4 7515 W. Rasmussen
5 Tucson, AZ 85741

6 Ms. L. Michelle Rulney
7 11583 North Monika Leigh Place
8 Tucson, AZ 85737

9 Ms. Amy C. Fritton
10 1803 West Veronica Drive
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