

OPEN MEETING ITEM



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



ORIGINAL

ARIZONA CORPORATION COMMISSION

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2011 SEP 16 A 11:44

Arizona Corporation Commission

DOCKETED

SEP 16 2011

DATE: SEPTEMBER 16, 2011

AZ CORP COMMISSION
DOCKET CONTROL

DOCKET NO.: T-02948A-11-0190

DOCKETED BY

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:

PAY PHONE NETWORK, INCORPORATED
(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:

SEPTEMBER 26, 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:

OCTOBER 11, 2011 and OCTOBER 12, 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.

ERNEST G. JOHNSON
EXECUTIVE DIRECTOR

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 PAY PHONE NETWORK, INCORPORATED FOR
APPROVAL TO CANCEL ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY TO PROVIDE
CUSTOMER-OWNED PAY TELEPHONE
SERVICE IN ARIZONA.

DOCKET NO. T-02948A-11-0190

DECISION NO. _____

ORDER

10 Open Meeting
11 October 11 and 12, 2011
12 Phoenix, Arizona

13 **BY THE COMMISSION:**

14 * * * * *

15 Having considered the entire record herein and being fully advised in the premises, the
16 Commission finds, concludes, and orders that:

FINDINGS OF FACT

17 1. In Decision No. 59668 (May 16, 1996), the Arizona Corporation Commission
18 ("Commission") granted Pay Phone Network, Incorporated ("Pay Phone Network" or "Company"), a
19 Certificate of Convenience and Necessity ("CC&N") to provide customer-owned pay telephone
20 ("COPT") service in Arizona.

21 2. On May 2, 2011, Pay Phone Network filed an application with the Commission
22 requesting to cancel its CC&N to provide COPT services in Arizona.

23 3. On August 4, 2011, the Commission's Utilities Division Staff ("Staff") filed a
24 Memorandum in response to Pay Phone Network's application recommending that the Commission
25 approve the application for cancellation.

26 4. According to Staff, Pay Phone Network stated that as of January 19, 2011, Pay Phone
27 Network was no longer in the payphone business and that the business had been sold. Staff stated that
28

1 it contacted the Company and spoke with a Mr. Ray Odom who indicated that the payphone
2 equipment had been scraped and that the Company waived its right to a hearing in this matter and
3 waived its right to receive notice of a hearing in order to cancel the CC&N.

4 5. The Commission's Compliance Section indicated that as of July 1, 2011, there were
5 no compliance issues related to the Company. The Commission's Consumer Services Section also
6 reported that there have been no complaints or opinions filed against Pay Phone Network through
7 May 13, 2011.

8 6. Pay Phone Networks is in good standing with the Commission's Corporations
9 Division.

10 7. Staff recommends approval of the application.

11 8. Staff's recommendation for approval of Pay Phone Network's application for
12 cancellation of its CC&N is reasonable and should be adopted.

13 **CONCLUSIONS OF LAW**

14 1. Pay Phone Network is a public service corporation within the meaning of Article XV
15 of the Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

16 2. The Commission has jurisdiction over Pay Phone Network and the subject matter of
17 the application.

18 3. The cancellation of Pay Phone Network's CC&N to provide customer-owned pay
19 telephone services in Arizona is in the public interest.

20 4. Pay Phone Network waived its right to notice and a hearing in this matter.

21 5. Staff's recommendation to grant approval of the application is reasonable and should
22 be adopted.

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ORDER

IT IS THEREFORE ORDERED that the application of Pay Phone Network, Incorporated to cancel its Certificate of Convenience and Necessity (granted in Decision No. 59668) to provide customer-owned pay telephone service in Arizona, 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:

PAY PHONE NETWORK, INCORPORATED

2 DOCKET NO.:

T-02948A-11-0190

3 Ray Odom
4 9277 West Morrow Drive
5 Peoria, AZ 85382-3662

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

11 Steve M. Olea, Director
12 Utilities Division
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