

ORIGINAL



MEMORANDUM

2012 JUN -1 P 4: 55

TO: Docket Control
FROM: Steven M. Olea
Director
Utilities Division
DATE: June 7, 2012

EA for SMO
ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

Arizona Corporation Commission
DOCKETED
JUN 07 2012

DOCKETED BY
TJM

RE: **ADMINISTRATIVE CLOSURE – IN THE MATTER OF THE APPLICATION OF STERLING PAYPHONES LLC FOR APPROVAL OF A CERTIFICATE OF CONVENIENCE AND NECESSITY. (DOCKET NO. T-20558A-07-0611)**

On October 19, 2007, James Rapaccioli d/b/a Sterling Payphones, LLC (“Applicant” or “Sterling”) filed an Application to obtain a Certificate of Convenience and Necessity (“CC&N”) to provide customer-owned pay telephone (“COPT”) services in Arizona. Staff deemed the Application to be insufficient and sent its First Set of Data Requests to Mr. Rapaccioli on December 12, 2007. The Applicant responded to Staff’s data requests on April 18, 2008. Staff has tried numerous times to reach the Applicant by telephone, but has been unsuccessful and telephone messages have gone unanswered. Because there has been no contact with the Applicant since 2008, Staff is uncertain if the Applicant wants to pursue its Application.

Staff sent a letter of inquiry, on April 29, 2011, to Mr. Rapaccioli. Staff’s letter of inquiry was received by Sterling’s Statutory Agent of Record on May 2, 2011. To date, there has been no response to the letter of April 29, 2011. On July 27, 2011, Ms. Kimberly Ruht, Staff Attorney, sent Staff’s Second Set of Data Requests. The letter requested a response within thirty (30) calendar days of the receipt of the letter. There has been no response to the letter of July 27, 2011. In addition, Staff has tried numerous times to reach the Applicant by telephone, but has been unsuccessful and the telephone messages have gone unanswered.

On April 2, 2012, the Hearing Division of the Commission issued a Procedural Order requesting that Staff provide an update on this matter no later than May 11, 2012. On May 8, 2012, Ms. Robin Mitchell, Staff Attorney, sent an advisory letter to the Applicant. The letter informed the Applicant that pursuant to Arizona Administrative Code (“A.C.C.”) R14-2-908(A) 1. a., the Commission may order local exchange carriers (“LECs”) to immediately terminate public access line (“PAL”) service to any customer of record which fails to obtain a CC&N. The letter further stated that Staff believes Sterling Payphone LLC, Payphone Manager, Inc. and/or James Rapaccioli may be in violation of A.C.C. R14-2-908(A) 1. a.¹ The letter also requested a response on or before May 31, 2012.

¹Staff has evidentiary data that Sterling and Payphone Manager, Inc. are owned by James Rapaccioli and that Payphone Manager, Inc. may be currently providing COPT telecommunications in Arizona without a Certificate of Convenience and Necessity.

Sterling Payphones LLC
Docket No. T-20558A-07-0611
Page 2

On May 8 2012, Staff received a copy of a non-stamped response from Sterling Payphones, LLC. The response "Out of business for 3 years no phones in Arizona" was written on the letter addressed to Sterling Payphones, LLC c/o James Rapaccioli, Post Office Box 185, Bronx, New York 10461. As a result, Docket No. T-20558A-07-0611 should be closed.

Staff recommends administrative closure of this docket.

SMO: JFB:kdh

Originator: John F. Bostwick

Attachment: Original and Thirteen Copies

SERVICE LIST FOR: STERLING PAYPHONES LLC
DOCKET NO.: T-20558A-07-0611

Sterling Payphones, LLC
c/o Mr James Rapaccioli
Post Office Box 185
Bronx, New York 10461