

ORIGINAL

OPEN MEETING ITEM

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



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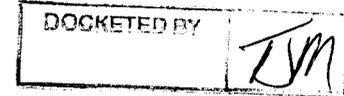
Arizona Corporation Commission

DOCKETED

JUL 03 2012

DATE: JULY 3, 2012  
DOCKET NO.: ~~W~~-02961A-12-0024

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:

BASHAS' INC. dba WESTERN AMERICAN COMMUNICATIONS  
(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:

JULY 12, 2012

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:

JULY 18, 2012 AND JULY 19, 2012

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 BASHAS' INC. DBA WESTERN AMERICAN  
10 COMMUNICATIONS FOR APPROVAL TO  
11 CANCEL ITS CERTIFICATE OF CONVENIENCE  
12 AND NECESSITY.

DOCKET NO. T-02961A-12-0024

DECISION NO. \_\_\_\_\_

**ORDER**

9 Open Meeting  
10 July 18 and 19, 2012  
11 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 Decision No. 59275 (September 20, 1995), the Commission granted Bashas' Inc.  
17 dba Western American Communications ("Company"), a Certificate of Convenience and Necessity  
18 ("CC&N") to provide customer-owned pay telephone ("COPT") services in Arizona.

19 2. On January 23, 2012, the Company filed an application with the Commission  
20 requesting to cancel its CC&N to provide COPT services in Arizona.

21 3. On May 22, 2012, the Commission's Utilities Division Staff ("Staff") filed a Staff  
22 Report in response to the Company's application to cancel its CC&N recommending approval of the  
23 application. The Staff Report stated that the Company's application was filed by an authorized  
24 representative of the Company; that the Company no longer provides COPT services in Arizona; that  
25 the assets of the Company were sold to Robert M. Wellings dba American General Payphone  
26 ("AGP") on January 2, 2012; that AGP was authorized in Commission Decision No. 59692 (June 5,  
27 1996) to provide COPT services in Arizona; and that the Company requested that no hearing be held  
28 on the application.

4. The Commission's Compliance Section reported that the Company has no delinquent

1 compliance issues. Further, the Company is in good standing with the Commission's Corporations  
2 Division and from January 1, 2009 through February 6, 2012, there were no complaints, inquiries, or  
3 opinions filed against the Company.

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

6 **CONCLUSIONS OF LAW**

7 1. The Company 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 the Company and the subject matter of the  
10 application.

11 3. The cancellation of the Company's CC&N to provide customer-owned pay telephone  
12 services in Arizona is in the public interest.

13 4. The Company has waived a hearing in this matter.

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

15 **ORDER**

16 IT IS THEREFORE ORDERED that Bashas' Inc. dba Western American Communications'  
17 Certificate of Convenience and Necessity, granted in Commission Decision No. 59275 (September  
18 20, 1995) to provide customer-owned pay telephone service in Arizona is hereby cancelled.

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IT IS FURTHER ORDERED that Bashas' Inc. dba Western American Communications is no longer subject to any of the requirements of Decision No. 59275.

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 \_\_\_\_\_, 2012.

\_\_\_\_\_  
ERNEST G. JOHNSON  
EXECUTIVE DIRECTOR

DISSENT \_\_\_\_\_

DISSENT \_\_\_\_\_

YBK:db

1 SERVICE LIST FOR:

BASHAS' INC. DBA WESTERN AMERICAN  
COMMUNICATIONS

2

3 DOCKET NO.:

T-02961A-12-0024

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