

**ORIGINAL**  
Commissioners  
BOB STUMP - Chairman  
GARY PIERCE  
BRENDA BURNS  
BOB BURNS  
SUSAN BITTER SMITH

OPEN MEETING ITEM



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ARIZONA CORPORATION COMMISSION

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ARIZONA CORPORATION COMMISSION  
DOCKET CONTROL

DATE: JANUARY 10, 2013

DOCKET NO.: T-03520A-12-0395

TO ALL PARTIES:

Arizona Corporation Commission  
**DOCKETED**

JAN 10 2013

DOCKETED BY *JM*

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

BRUCE MILHIZER DBA  
TELBRUCE COMMUNICATION  
(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:

JANUARY 22, 2013

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:

JANUARY 30, 2013 AND JANUARY 31, 2013

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.

*Jodi A. Jerich*  
JODI JERICH  
EXECUTIVE DIRECTOR

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 COMMISSIONERS

3 BOB STUMP - Chairman  
4 GARY PIERCE  
5 BRENDA BURNS  
6 BOB BURNS  
7 SUSAN BITTER SMITH

8 IN THE MATTER OF THE APPLICATION OF  
9 BRUCE MILHIZER DBA TELBRUCE  
10 COMMUNICATION FOR APPROVAL TO  
11 CANCEL THEIR CERTIFICATE OF  
12 CONVENIENCE AND NECESSITY FOR  
13 CUSTOMER OWNED PAY TELEPHONE  
14 SERVICES.

DOCKET NO. T-03520A-12-0395

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

**ORDER**

15 Open Meeting  
16 January 30 and 31, 2013  
17 Phoenix, Arizona

18 **BY THE COMMISSION:**

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

21 **FINDINGS OF FACT**

22 1. In Decision No. 60727 (March 23, 1998), Bruce Milhizer dba Telbruce  
23 Communication ("Company"), was granted a Certificate of Convenience and Necessity ("CC&N") to  
24 provide customer-owned pay telephone ("COPT") services in Arizona.

25 2. On September 5, 2012, the Company filed an application with the Commission  
26 requesting to cancel its CC&N to provide COPT services in Arizona.

27 3. On October 29, 2012, the Commission's Utilities Division Staff ("Staff") filed a Staff  
28 Report in response to the Company's application to cancel its CC&N recommending approval of the  
application. The Staff Report stated that the Company's application was filed by an authorized  
representative of the Company; that the Company no longer provides COPT services in Arizona; that  
the assets of the Company were sold to Robert M. Wellings of R. L. Communications on August 1,  
2012; that R. L. Communications was authorized in Commission Decision No. 59691 (June 5, 1996)  
to provide COPT services in Arizona; and that the Company requested that no hearing be held on the  
application.

1 4. The Commission's Compliance Section reported that the Company has no delinquent  
2 compliance issues.

3 5. The Consumer Services Section of the Utilities Division indicated that from January 1,  
4 2009 through September 13, 2012, no complaints, inquiries or opinions had been filed against the  
5 Company. The Consumer Services Section further stated that, according to Corporations Division of  
6 the Commission, the Company "... is a sole-proprietorship; therefore, a good standing verification is  
7 not applicable."

8 6. Staff recommends approval of the Company's application for cancellation of its  
9 CC&N.

10 7. Staff's recommendation is reasonable and will be adopted.

11 **CONCLUSIONS OF LAW**

12 1. The Company is a public service corporation within the meaning of Article XV of the  
13 Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

14 2. The Commission has jurisdiction over the Company and the subject matter of the  
15 application.

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

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

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

20 **ORDER**

21 IT IS THEREFORE ORDERED that the application of Bruce Milhizer dba Telbruce  
22 Communication to cancel its Certificate of Convenience and Necessity, granted in Commission  
23 Decision No. 60727 (March 23, 1998), to provide customer-owned pay telephone service in Arizona  
24 is hereby granted.

25 ...  
26 ...  
27 ...  
28 ...

1 IT IS FURTHER ORDERED that Bruce Milhizer dba Telbruce Communication is no longer  
2 subject to any of the requirements of Decision No. 60727.

3 IT IS FURTHER ORDERED that this Decision shall become effective immediately.

4 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.  
5  
6

7 CHAIRMAN \_\_\_\_\_ COMMISSIONER

8  
9 COMMISSIONER \_\_\_\_\_ COMMISSIONER \_\_\_\_\_ COMMISSIONER

10  
11 IN WITNESS WHEREOF, I, JODI JERICH, Executive  
12 Director of the Arizona Corporation Commission, have  
13 hereunto set my hand and caused the official seal of the  
14 Commission to be affixed at the Capitol, in the City of Phoenix,  
15 this \_\_\_\_\_ day of \_\_\_\_\_ 2013.

16 \_\_\_\_\_  
17 JODI JERICH  
18 EXECUTIVE DIRECTOR

19 DISSENT \_\_\_\_\_

20  
21 DISSENT \_\_\_\_\_

22 YBK:db

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1 SERVICE LIST FOR:

BRUCE MILHIZER DBA  
TELBRUCE COMMUNICATION

2  
3 DOCKET NO.:

T-03520A-12-0395

4 Bruce Milhizer  
5 4320 Capri Circle  
6 Prescott Valley, AZ 86314

7 Janice Alward, Chief Counsel  
8 Legal Division  
9 ARIZONA CORPORATION COMMISSION  
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11 Phoenix, AZ 85007

12 Steven M. Olea, Director  
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