

OPEN MEETING ITEM

**ORIGINAL**  
COMMISSIONERS  
BOB STUMP  
GARY PIERCE  
BRENDA BURNS  
BOB BURNS  
SUSAN BITTER SMITH



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ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

DOCKETED  
COMMISSION  
DOCKET CONTROL

MAR 22 2013

DATE: MARCH 22, 2013

DOCKET NO.: T-02805A-13-0028

TO ALL PARTIES:

DOCKETED BY

Enclosed please find the recommendation of Administrative Law Judge Belinda A. Martin. The recommendation has been filed in the form of an Order on:

JAMES M. SUSA DBA JMS ENTERPRISES  
(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:

APRIL 1, 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:

APRIL 9, 2013 AND APRIL 10, 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 JERICH  
EXECUTIVE DIRECTOR

1200 WEST WASHINGTON STREET; PHOENIX, ARIZONA 85007-2927 / 400 WEST CONGRESS STREET; TUCSON, ARIZONA 85701-1347

[www.azcc.gov](http://www.azcc.gov)

This document is available in alternative formats by contacting Shaylin Bernal, ADA Coordinator, voice phone number 602-542-3931, E-mail [SABernal@azcc.gov](mailto:SABernal@azcc.gov).

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**BEFORE THE ARIZONA CORPORATION COMMISSION**

COMMISSIONERS

- BOB STUMP - Chairman
- GARY PIERCE
- BRENDA BURNS
- BOB BURNS
- SUSAN BITTER SMITH

IN THE MATTER OF THE APPLICATION OF  
 JAMES M. SUSA DBA JMS ENTERPRISES FOR  
 THE APPROVAL OF THE SALE OF ASSETS  
 AND/OR CANCELLATION OF THE  
 CERTIFICATE OF CONVENIENCE AND  
 NECESSITY TO PROVIDE CUSTOMER-OWNED  
 PAY TELEPHONE SERVICE IN ARIZONA.

DOCKET NO. T-02805A-13-0028

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

ORDER

Open Meeting  
 April 9 and 10, 2013  
 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. James M. Susa d/b/a JMS Enterprises ("Applicant") has a Certificate of Convenience and Necessity ("Certificate") to provide customer-owned pay telephone ("COPT") service in Arizona pursuant to Decision No. 58904 (December 21, 1994).
2. On February 12, 2013, the Applicant filed with the Commission an application for cancellation of its Certificate ("Application").
3. On March 4, 2013, the Commission's Utilities Division ("Staff") filed its Staff Report.
4. According to the Staff Report, the Applicant is a sole proprietorship owned by James Susa. Mr. Susa indicated that the Applicant no longer provides COPT service in Arizona and requests cancellation of its Certificate without a hearing.
5. Staff stated in its Staff Report that the Consumer Services Section of the Utilities Division reported that there are no consumer complaints, inquiries, or opinions filed against the Applicant. Staff noted that the Compliance Section of the Utilities Division indicated that the

1 Applicant does not have any outstanding compliance issues with the Commission.

2 6. Staff recommends approval of the Application and cancellation of the Applicant's  
3 Certificate without a hearing.

4 7. Staff's recommendation is reasonable and shall be adopted.

5 **CONCLUSIONS OF LAW**

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

8 2. The Commission has jurisdiction over the Applicant and the subject matter of the  
9 Application.

10 3. The cancellation of the Applicant's Certificate is in the public interest.

11 4. Pursuant to A.R.S. § 40-282, the Commission may issue Decisions regarding COPT  
12 Certificates without a hearing.

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

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**ORDER**

IT IS THEREFORE ORDERED that the Application of James M. Susa d/b/a JMS Enterprises for Cancellation of its Certificate of Convenience and Necessity to Provide Customer-Owned Pay Telephone Service in Arizona is approved and the Certificate of Convenience and Necessity granted in Decision No. 58904 is cancelled.

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, JODI JERICH, 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 \_\_\_\_\_ 2013.

\_\_\_\_\_  
JODI JERICH  
EXCUTIVE DIRECTOR

DISSENT \_\_\_\_\_

DISSENT \_\_\_\_\_

1 SERVICE LIST FOR: JAMES M. SUSA D/B/A JMS ENTERPRISES

2 DOCKET NO.: T-02805A-13-0028

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4 James M. Susa  
5 JMS ENTERPRISES  
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