

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

OPEN MEETING ITEM



0000144075

ARIZONA CORPORATION COMMISSION

RECEIVED

2013 APR 15 P 3:00

AZ CORP COMMISSION
DOCKET CONTROL

DATE: APRIL 15, 2013
DOCKET NO.: T-04170A-13-0027

TO ALL PARTIES:

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

KPV ENTERPRISES, LLC
(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 24, 2013

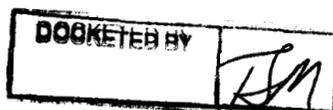
The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Open Meeting to be held on:

MAY 1, 2013 AND MAY 2, 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.

Arizona Corporation Commission
DOCKETED

APR 15 2013



Jodi A. Jerich
JODI JERICH
EXECUTIVE DIRECTOR

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

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.

1-17-13

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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
 KPV ENTERPRISES, LLC 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-04170A-13-0027

DECISION NO. _____

ORDER

Open Meeting
 May 1 and 2, 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. KPV Enterprises, LLC ("Applicant") has a Certificate of Convenience and Necessity ("Certificate") to provide customer-owned pay telephone ("COPT") service in Arizona pursuant to Decision No. 68342 (December 9, 2005).
2. On February 12, 2013, the Applicant filed with the Commission an application for cancellation of its Certificate ("Application").
3. On March 15, 2013, the Commission's Utilities Division ("Staff") filed its Staff Report.
4. In the Application, the Applicant indicated it no longer provides, or never did provide, COPT services in Arizona and requested 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. The Compliance Section of the Utilities Division indicated that the Applicant does not

1 have any outstanding compliance issues with the Commission.

2 6. Staff recommended approval of the Application and cancellation of the Applicant's
3 Certificate.

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.

14 ...

15 ...

16 ...

17 ...

18 ...

19 ...

20 ...

21 ...

22 ...

23 ...

24 ...

25 ...

26 ...

27 ...

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

IT IS THEREFORE ORDERED that the Application of KPV Enterprises, LLC 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. 68342 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
EXECUTIVE DIRECTOR

DISSENT _____

DISSENT _____

1 SERVICE LIST FOR: KPV ENTERPRISES, LLC

2 DOCKET NO.: T-04170A-13-0027

3

4 Michael E. Gray
KPV ENTERPRISES, LLC
1264 Rocky Hill Road
5 Knoxville, TN 37919

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

9 Steven M. Olea, Director
Utilities Division
10 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
11 Phoenix, AZ 85007

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28