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GARY PIERCE
BRENDA BURNS
BOB BURNS
SUSAN BITTER SMITH

OPEN MEETING ITEM



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ARIZONA CORPORATION COMMISSION

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AZ CORP COMMISSION
DOCKET CONTROL

DATE: JUNE 27, 2013
DOCKET NO.: T-02972A-13-0037

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:

**SYUFY ENTERPRISES/CENTURY THEATERS
(SALE OF ASSETS/CC&N CANCELLATION)**

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 8, 2013

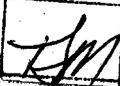
The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Open Meeting to be held on:

JULY 17, 2013 AND JULY 18, 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

JUN 27 2013

DOCKETED BY 


JODI JERICH
EXECUTIVE DIRECTOR

1200 WEST WASHINGTON STREET; PHOENIX, ARIZONA 85007-2927 / 400 WEST CONGRESS STREET; TUCSON, ARIZONA 85701-1347
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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 **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 SYUFY ENTERPRISES/CENTURY THEATERS
10 FOR THE APPROVAL OF THE SALE OF ASSETS
11 AND/OR CANCELLATION OF THE
12 CERTIFICATE OF CONVENIENCE AND
13 NECESSITY TO PROVIDE CUSTOMER-OWNED
14 PAY TELEPHONE SERVICE IN ARIZONA.

DOCKET NO. T-02972A-13-0037

DECISION NO. _____

ORDER

11 Open Meeting
12 July 17 and 18, 2013
13 Phoenix, Arizona

14 **BY THE COMMISSION:**

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

17 **FINDINGS OF FACT**

18 1. In Decision No. 59714 (June 26, 1996), the Commission granted Syufy
19 Enterprises/Century Theaters ("Applicant") a Certificate of Convenience and Necessity
20 ("Certificate") to provide customer-owned pay telephone ("COPT") service in Arizona.

21 2. On February 27, 2013, the Applicant's current controlling shareholder, Cinemark
22 USA, Inc. ("Cinemark"), filed with the Commission an application for cancellation of the Certificate
23 ("Application").

24 3. On June 10, 2013, the Commission's Utilities Division ("Staff") filed its Staff Report.
25 Staff stated it had contacted Cinemark's Communication Coordinator, Jeff Turrentine, regarding the
26 Application, and confirmed that Mr. Turrentine is authorized to file the Application. Mr. Turrentine
27 stated that the Applicant does not provide COPT service in Arizona and does not wish to have a
28 hearing on the Application.

...

1 4. Staff stated in its Staff Report that the Consumer Services Section of the Utilities
2 Division reported that there are no consumer complaints, inquiries, or opinions filed against the
3 Applicant. The Compliance Section of the Utilities Division indicated that the Applicant does not
4 have any outstanding compliance issues with the Commission and the Corporations Division noted
5 the Applicant is in good standing.

6 5. Staff recommended approval of the Application and cancellation of the Applicant's
7 Certificate.

8 6. Staff's recommendation is reasonable and shall be adopted.

9 CONCLUSIONS OF LAW

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

12 2. The Commission has jurisdiction over the Applicant and the subject matter of the
13 Application.

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

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

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

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ORDER

IT IS THEREFORE ORDERED that the Application of Syufy Enterprises/Century Theaters 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. 59714 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: SYUFY ENTERPRISES/CENTURY THEATERS

2 DOCKET NO.: T-02972A-13-0037

3
4 Jeff Turrentine, Communication Coordinator
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7 Plano, TX 75093

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9 Legal Division
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