

OPEN MEETING ITEM

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

ORIGINAL



0000147381

ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

DOCKETED

AUG 16 2013

RECEIVED

2013 AUG 16 A 9:36

DATE:

DOCKETED BY  
nr

AUGUST 16, 2013

ARIZONA CORPORATION COMMISSION  
DOCKET CONTROL

DOCKET NO.:

T-20767A-13-0230

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:

JOSE A. FLORES  
(CANCELLATION OF 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:

AUGUST 26, 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:

SEPTEMBER 10, 2013 AND SEPTEMBER 11, 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  
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  
 JOSE A. FLORES TO CANCEL ITS  
 CERTIFICATE OF CONVENIENCE AND  
 NECESSITY TO PROVIDE CUSTOMER  
 OWNED PAY TELEPHONE SERVICES.

DOCKET NO. T-20767A-13-0230

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

ORDER

Open Meeting  
September 10 and 11, 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. In Commission Decision No. 72297 (May 4, 2011), the Commission granted Jose A. Flores (“Flores” or “Applicant”) a Certificate of Convenience and Necessity (“CC&N”) to provide customer owned pay telephone (“COPT”) services in Arizona.
2. On July 1, 2013, Flores filed an application with the Commission requesting approval to cancel its CC&N to provide COPT services in Arizona.
3. On August 1, 2013, the Commission’s Utilities Division (“Staff”) filed a Memorandum in response to Flores’ application to cancel its CC&N. Staff states it contacted Mr. Jose A. Flores and verified that he was authorized to file the application on behalf of the Applicant. According to Staff, Mr. Flores stated that he no longer provides COPT service in Arizona and that he waives his right to a hearing in this matter. Further, Staff states that the Commission’s Consumer Services Section reported that no complaints, inquires, or opinions have been filed against Flores as

1 of May 1, 2013. According to Staff, the Applicant is in good standing with the Commission's  
2 Corporations Division and the Commission's Compliance Section reports that no compliance items  
3 or delinquencies have been reported for the Applicant.

4 4. Staff recommends approval of Flores' application to cancel his CC&N.

5 5. Staff's recommendation to approve Flores' application for cancellation of his CC&N is  
6 reasonable and should be granted.

7 **CONCLUSIONS OF LAW**

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

10 2. The Commission has jurisdiction over Jose A. Flores and the subject matter of the  
11 application.

12 3. The cancellation of Jose A. Flores' CC&N to provide COPT services in Arizona is in the  
13 public interest.

14 4. Jose A. Flores waives his right to notice and a hearing in this matter

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

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 Jose A. Flores' Certificate of Convenience and Necessity granted in Decision No. 72297 (May 4, 2011), to provide customer owned pay telephone services in Arizona is hereby 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 A. 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 A. JERICH  
EXECUTIVE DIRECTOR

DISSENT \_\_\_\_\_

DISSENT \_\_\_\_\_  
YK:tv

1 SERVICE LIST FOR: JOSE A. FLORES

2 DOCKET NO.: T-20767A-13-0230

3

4 Jose A. Flores  
4876 South 12<sup>th</sup> Avenue  
5 Tucson, AZ 85714

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

9 Steven 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