

JIM IRVIN
COMMISSIONER - CHAIRMAN
RENZ D. JENNINGS
COMMISSIONER
CARL J. KUNASEK
COMMISSIONER



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JACK ROSE
EXECUTIVE SECRETARY

ARIZONA CORPORATION COMMISSION

DATE: November 19, 1998

DOCKET NO.: T-02984A-98-0585

TO ALL PARTIES:

Enclosed please find the recommendation of Hearing Officer Jane Rodda. The recommendation has been filed in the form of an Order on:

VOLTAR COMMUNICATIONS INC.
(COPT CANCELLATION/SALE OF ASSETS)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Hearing Officer by filing an original and ten (10) copies of the exceptions with the Commission's Docket Control at the address listed below by **4:00** p.m. on or before:

NOVEMBER 30, 1998

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

DECEMBER 10, 1998 AND DECEMBER 11, 1998

For more information, you may contact Docket Control at (602) 542-3477 or the Hearing Division at (602) 542-4250.

A handwritten signature in black ink, appearing to read "Jack Rose".

JACK ROSE
EXECUTIVE SECRETARY

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BEFORE THE ARIZONA CORPORATION COMMISSION

JIM IRVIN
COMMISSIONER - CHAIRMAN
RENZ D. JENNINGS
COMMISSIONER
CARL J. KUNASEK
COMMISSIONER

IN THE MATTER OF THE APPLICATION OF
VOLTAR COMMUNICATIONS, INC. FOR THE
SALE OF ASSETS AND CANCELLATION OF
ITS CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE CUSTOMER-OWNED
PAY TELEPHONE SERVICE IN THE STATE OF
ARIZONA.

DOCKET NO. T-02984A-98-0585

DECISION NO. _____

ORDER

Open Meeting
December 10 and 11, 1998
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. Voltar Communications, Inc. ("Applicant"), an Arizona corporation, is a public service corporation which has a Certificate of Convenience and Necessity ("Certificate") to provide customer-owned pay telephone service in the State of Arizona pursuant to Decision No. 59323 (October 11, 1995).
2. On October 6, 1998, Applicant filed an application for approval of the sale of assets and cancellation of its Certificate.
3. Applicant has indicated that it has sold its assets to GCB Communications, Inc. dba Pacific Communications ("Pacific").
4. The Commission granted a Certificate to Pacific in Decision No. 61050 (August 6, 1998).
5. Pacific is an Arizona corporation, incorporated in 1991. Pacific is in good standing

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with the Commission's Corporation Division.

6. In Decision No. 55817 (December 10, 1987) the Commission found that COPT providers were public service corporations subject to the jurisdiction of the Commission.

7. The Commission in Decision No. 57797 (April 8, 1992) adopted A.A.C. R14-2-901 through R14-2-909 to regulate COPT providers.

8. In Decision No. 58535 (February 14, 1994) the Commission adopted a Generic Tariff which establishes rates and minimum service standards applicable to COPT service.

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

10. When it received its Certificate, Pacific indicated that it will provide service in accordance with the rates, charges and conditions within the Generic Tariff.

11. On October 14, 1998, Staff filed a Staff Report, recommending approval of the transfer.

CONCLUSION OF LAW

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

2. The Commission has jurisdiction over Applicant and the subject matter of the application.

3. Pacific is a fit and proper entity to acquire Applicant's pay phone assets.

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ORDER

IT IS THEREFORE ORDERED that the application of Voltar Communications, Inc. for approval of the sale of its pay telephone assets and the cancellation of its Certificate of Convenience and Necessity shall be, and the same is, hereby granted

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

BY ORDER OF THE ARIZONA CORPORATION COMMISSION

COMMISSIONER - CHAIRMAN COMMISSIONER COMMISSIONER

IN WITNESS WHEREOF, I, JACK ROSE, Executive Secretary of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be affixed at the Capitol, in the City of Phoenix, this _____ day of _____, 1998.

JACK ROSE
EXECUTIVE SECRETARY

DISSENT: _____
JR:bbs

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SERVICE LIST FOR:
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VOLTAR COMMUNICATIONS, INC.
T-02984A-98-0585

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