

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



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JACK ROSE
EXECUTIVE SECRETARY

ARIZONA CORPORATION COMMISSION

DATE: DECEMBER 15, 1997
DOCKET NOS. T-2949-97-623 and T-3463-97-623
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:

JOHN C. GARRET AND JOHN T. UNDERWOOD dba ARIZONA COIN TELEPHONE
(CC&N/TRANSFER)

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:

DECEMBER 24, 1997

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:

JANUARY 13, 1998 and JANUARY 14, 1998

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


JACK ROSE
EXECUTIVE SECRETARY

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 JIM IRVIN
3 COMMISSIONER - CHAIRMAN
4 RENZ D. JENNINGS
5 COMMISSIONER
6 CARL J. KUNASEK
7 COMMISSIONER

8 IN THE MATTER OF THE APPLICATION FOR)
9 THE SALE OF ASSETS AND TRANSFER OF)
10 CERTIFICATE OF CONVENIENCE AND)
11 NECESSITY FROM JOHN C. GARRETT AND)
12 JOHN T. UNDERWOOD DBA ARIZONA COIN)
13 TELEPHONE TO ARIZONA COIN TELEPHONE,)
14 INC.)

DOCKET NO. T-2949-97-623

DOCKET NO. T-3463-97-623

DECISION NO. _____

ORDER

10 Open Meeting
11 January 13 and 14, 1998
12 Phoenix, Arizona

13 **BY THE COMMISSION:**

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

16 **FINDINGS OF FACT**

17 1. John C. Garrett and John T. Underwood dba Arizona Coin Telephone ("Transferor"), a
18 partnership, is a public service corporation which has a Certificate of Convenience and Necessity
19 ("Certificate") to provide customer-owned pay telephone service in the State of Arizona pursuant to
20 Decision No. 59283 (Docket No. U-2949-95-219, September 20, 1995).

21 2. Arizona Coin Telephone, Inc. ("Transferee") is an Arizona corporation formed by Mr.
22 Garrett and Mr. Underwood for the purpose of conducting their payphone business.

23 3. On November 13, 1997, Transferor and Transferee filed a joint application for approval
24 of the sale of assets and transfer of the Certificate from the partnership to the corporation.

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

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

6. In Decision No. 58535 (February 14, 1994) the Commission adopted a Generic Tariff

1 which establishes rates and minimum service standards applicable to COPT service.

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

4 8. Transferor is a partnership which presently provides COPT service in Arizona.

5 9. Transferee is an Arizona corporation and is in good standing with the Commission
6 Corporations Division. Mr. Garrett and Mr. Underwood own the stock of the Transferee.

7 10. Transferee plans to provide service pursuant to the same terms and conditions as the
8 Commission authorized to Transferor.

9 11. On December 4, 1997, Staff filed a Staff Report, recommending approval of the transfer.

10 **CONCLUSIONS OF LAW**

11 1. The Transferor is, and upon approval of this application, the Transferee will be, a public
12 service corporation within the meaning of Article XV of the Arizona Constitution and A.R.S. §§ 40-281
13 and 40-282.

14 2. The Commission has jurisdiction over the applicants and the subject matter of the
15 application.

16 3. Notice of the application has been provided.

17 4. The sale and transfer of assets from Transferor to Transferee is in the public interest.

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ORDER

IT IS THEREFORE ORDERED that the joint application of John C. Garrett and John T. Underwood dba Arizona Coin Telephone and Arizona Coin Telephone, Inc. for the sale of assets and transfer of Certificate of Convenience and Necessity from John C. Garrett and John T. Underwood dba Arizona Coin Telephone to Arizona Coin Telephone, Inc. be, and is hereby, approved.

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 the Commission to be affixed at the Capitol, in the City of Phoenix, this _____ day of _____, 1997.

JACK ROSE
EXECUTIVE SECRETARY

DISSENT _____
JR:dap

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SERVICE LIST FOR:

JOHN C. GARRETT AND JOHN T. UNDERWOOD
DBA ARIZONA COIN TELEPHONE
ARIZONA COIN TELEPHONE, INC.

DOCKET NOS.:

T-2949-97-623 and T-3463-97-623

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