

OR **COMMISSIONERS**
SUSAN BRYTER SMITH, Chairman
BOB STUMP
BOB BURNS
DOUG LITTLE
TOM FORESE

OPEN MEETING ITEM



0000161165

ARIZONA CORPORATION COMMISSION

RECEIVED
AZ CORP COMMISSION
DOCKET CONTROL

2015 JUL 10 PM 1 36

DATE: JULY 10, 2015

DOCKET NO.: T-02774A-15-0156

TO ALL PARTIES:

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

FRANCIS R. APPLETON dba COMPUTERIZED PAYPHONES
(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 20, 2015

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:

AUGUST 18, 2015 and AUGUST 19, 2015

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

JUL 10 2015

DOCKETED BY

RTU

JODI JERICH
EXECUTIVE DIRECTOR

1200 WEST WASHINGTON STREET, PHOENIX, ARIZONA 85007-2927 / 400 WEST CONGRESS STREET, TUCSON, ARIZONA 85701-1347
www.cc.state.az.us

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 SUSAN BITTER SMITH - Chairman
4 BOB STUMP
5 BOB BURNS
6 DOUG LITTLE
7 TOM FORESE

8 IN THE MATTER OF THE APPLICATION OF
9 FRANCIS R. APPLETON DBA COMPUTERIZED
10 PAYPHONES FOR APPROVAL TO CANCEL ITS
11 CERTIFICATE OF CONVENIENCE AND
12 NECESSITY.

DOCKET NO. T-02774A-15-0156

DECISION NO. _____

ORDER

13 Open Meeting
14 August 18 and 19, 2015
15 Phoenix, Arizona

16 **BY THE COMMISSION:**

17 * * * * *

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

20 FINDINGS OF FACT

21 1. In Commission Decision No. 58748 (August 31, 1994), the Commission granted Francis R.
22 Appleton dba Computerized Payphones ("FRA" or "Applicant") a Certificate of Convenience and
23 Necessity ("CC&N") to provide customer owned pay telephone ("COPT") services in Arizona.

24 2. On May 15, 2015, FRA filed an application with the Commission requesting approval
25 to cancel its CC&N to provide COPT services in Arizona.

26 3. On June 18, 2015, the Commission's Utilities Division ("Staff") filed a Memorandum
27 in response to FRA's application to cancel its CC&N. The application indicated FRA no longer
28 provides, or never did provide, COPT services in the State of Arizona and that Mr. Francis Appleton is
authorized to file the application on behalf of the Applicant. According to Staff, Mr. Appleton
indicated that the Applicant waived its right to notice and a hearing to cancel the CC&N. Staff states
that the Commission's Consumer Services Section reported that no complaints, opinions, or inquiries
have been filed against the Applicant. Further, the Commission's Compliance Section reports that no

1 compliance items or delinquencies have been reported for the Applicant.

2 4. Staff indicated the Commission's Corporations Division had no information for
3 Francis R. Appleton or Computerized Payphones and that the Applicant's last Utilities Annual Report
4 was filed in 2009 for the year ending December 31, 2008. Staff recommends approval of FRA's
5 application to cancel its CC&N and states that upon cancellation, the Applicant will no longer be
6 subject to the filing requirements set forth in Decision No. 58748.

7 5. Staff's recommendation to approve FRA's application for cancellation of its CC&N is
8 reasonable and should be adopted.

9 **CONCLUSIONS OF LAW**

10 1. Francis R. Appleton dba Computerized Payphones is a public service corporation within
11 the meaning of Article XV of the Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

12 2. The Commission has jurisdiction over Francis R. Appleton dba Computerized Payphones
13 and the subject matter of the application.

14 3. The cancellation of Francis R. Appleton dba Computerized Payphones' CC&N to
15 provide COPT services in Arizona is in the public interest.

16 4. Francis R. Appleton dba Computerized Payphones waives its right to notice and a
17 hearing in this matter.

18 5. Staff's recommendations are reasonable and should be adopted.

19 ...

20 ...

21 ...

22 ...

23 ...

24 ...

25 ...

26 ...

27 ...

28 ...

ORDER

IT IS THEREFORE ORDERED that Francis R. Appleton dba Computerized Payphones' Certificate of Convenience and Necessity granted in Decision No. 58748 (August 31, 1994), to provide customer owned pay telephone services in Arizona is hereby canceled.

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 _____ 2015.

JODI JERICH
EXECUTIVE DIRECTOR

DISSENT _____

DISSENT _____
SP:ru/tv

1 SERVICE LIST FOR: FRANCIS R. APPLETON DBA COMPUTERIZED
2 PAYPHONES
3 DOCKET NO.: T-02774A-15-0156
4 Mr. Francis R. Appleton
5 Francis R. Appleton dba Computerized Payphones
6 5535 South Spencer Avenue
7 Tucson, AZ 85757
8 Janice Alward, Chief Counsel
9 Legal Division
10 ARIZONA CORPORATION COMMISSION
11 1200 West Washington Street
12 Phoenix, AZ 85007
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28