

OPEN MEETING ITEM



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**COMMISSIONERS**  
SUSAN BITTER SMITH - Chairman  
BOB STUMP  
BOB BURNS  
DOUG LITTLE  
TOM FORESE



RECEIVED

Executive Director

ARIZONA CORPORATION COMMISSION

2015 AUG 24 P 2:48

DATE: AUGUST 24, 2015

DOCKET NO.: T-02974A-15-0196

AZ CORP COMMISSION  
DOCKET CONTROL

TO ALL PARTIES:

**ORIGINAL**

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

DAVID A. LEE DBA INTERSTATE TEXACO  
(CANCEL 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:

SEPTEMBER 2, 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:

SEPTEMBER 8, 2015 AND SEPTEMBER 9, 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**

AUG 24 2015

DOCKETED BY

JODI JERICH  
EXECUTIVE DIRECTOR

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 COMMISSIONERS

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

7 IN THE MATTER OF THE APPLICATION OF  
7 DAVID A. LEE DBA INTERSTATE TEXACO  
8 FOR APPROVAL TO CANCEL ITS  
8 CERTIFICATE OF CONVENIENCE AND  
9 NECESSITY TO PROVIDE CUSTOMER OWNED  
9 PAY TELEPHONE TELECOMMUNICATION  
10 SERVICES IN ARIZONA.

DOCKET NO. T-02974A-15-0196

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

**ORDER**

11 Open Meeting  
11 September 8 and 9, 2015  
12 Phoenix, Arizona

13 **BY THE COMMISSION:**

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

16 \* \* \* \* \*

17 **FINDINGS OF FACT**

18 1. In Decision No. 59896 (November 26, 1996), the Commission granted David A. Lee  
19 dba Interstate Texaco ("Interstate" or the "Company") a Certificate of Convenience and Necessity  
20 ("CC&N") to provide customer owned pay telephone ("COPT") telecommunication services in Arizona.

21 2. On June 12, 2015, Interstate filed an application with the Commission requesting  
22 approval to cancel its CC&N to provide COPT services in Arizona. Interstate's application stated  
23 that the Company no longer or never did provide COPT service in Arizona; that the Company waives  
24 its right to notice and a hearing; and that Mr. David A. Lee is authorized by the Company to file the  
25 application.

26 3. On July 23, 2015, the Commission's Utilities Division ("Staff") filed a Memorandum  
27 in response to Interstate's application to cancel its CC&N. Staff states that the Commission's  
28 Consumer Services Section reports that no complaints have been filed against Interstate from January

1 Consumer Services Section reports that no complaints have been filed against Interstate from January  
2 1, 2012 through June 19, 2015, and that the Company's last Utilities Annual Report was filed in  
3 2008, but that the Commission's Compliance Section reported that the Company is otherwise in  
4 compliance. Staff recommends approval of the Company's application to cancel its CC&N and that  
5 upon cancellation of Interstate's CC&N, the Company will no longer be authorized to provide COPT  
6 telecommunication services in Arizona, or be subject to the requirements set forth in Decision No.  
7 59896.

8 4. Staff's recommendations are reasonable and should be adopted.

9 **CONCLUSIONS OF LAW**

10 1. David A. Lee dba Interstate Texaco is a public service corporation within the meaning  
11 of Article XV of the Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

12 2. The Commission has jurisdiction over David A. Lee dba Interstate Texaco and the  
13 subject matter of the application.

14 3. The cancellation of David A. Lee dba Interstate Texaco's CC&N to provide customer  
15 owned pay telephone telecommunication services in Arizona is in the public interest.

16 4. Staff's recommendations are reasonable and should be adopted.

17 **ORDER**

18 IT IS THEREFORE ORDERED that David A. Lee dba Interstate Texaco's application for  
19 approval to cancel its Certificate of Convenience and Necessity to provide customer owned pay  
20 telephone telecommunication services in Arizona, is hereby approved.

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1 IT IS FURTHER ORDERED upon cancellation of David A. Lee dba Interstate Texaco's  
2 Certificate of Convenience and Necessity, the Company will no longer be authorized to provide  
3 customer owned pay telephone telecommunication services in Arizona, or be subject to the  
4 requirements set forth in Decision No. 59896.

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

6 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

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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 \_\_\_\_\_  
YK:tv(ru)

1 SERVICE LIST FOR: DAVID A. LEE DBA INTERSTATE TEXACO

2 DOCKET NO.: T-02974A-15-0196

3  
4 David A. Lee  
5 2120 South Milton  
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8 Legal Division  
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10 1200 West Washington Street  
11 Phoenix, AZ 85007

12 Thomas Broderick, Director  
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