

OPEN MEETING ITEM



0000169211

COMMISSIONERS
DOUG LITTLE - Chairman
BOB STUMP
BOB BURNS
TOM FORESE
ANDY TOBIN



Executive Director

RECEIVED

ARIZONA CORPORATION COMMISSION

2016 MAR 24 A 9:11

AZ CORP COMMISSION
DOCKET CONTROL

DATE: MARCH 24, 2016

DOCKET NO.: T-20447A-16-0042

TO ALL PARTIES:

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

CHARLES FORTIER dba A BETTER PAYPHONE CO.
(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:

APRIL 4, 2016

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:

APRIL 12, 2016 AND APRIL 13, 2016

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. JERICHI
EXECUTIVE DIRECTOR

Arizona Corporation Commission

DOCKETED

MAR 24 2016

DOCKETED BY 

1200 WEST WASHINGTON STREET; PHOENIX, ARIZONA 85007-2927 / 400 WEST CONGRESS STREET; TUCSON, ARIZONA 85701-1347

www.azcc.gov

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 DOUG LITTLE – Chairman
4 BOB STUMP
4 BOB BURNS
5 TOM FORESE
5 ANDY TOBIN

6
7 IN THE MATTER OF THE APPLICATION OF
7 CHARLES FORTIER dba A BETTER PAYPHONE
8 CO. TO DISCONTINUE THE PROVISION OF
8 CUSTOMER OWNED PAY TELEPHONE
9 SERVICES IN ARIZONA.

DOCKET NO. T-20447A-16-0042

DECISION NO. _____

ORDER

10 Open Meeting
10 April 12 and 13, 2016
11 Phoenix, AZ

12 **BY THE COMMISSION:**

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

15 * * * * *

16 **FINDINGS OF FACT**

17 1. On September 21, 2006, the Commission issued Decision No. 68967, approving Charles
18 Fortier dba A Better Payphone Co.’s (“Fortier” or “Company”) application for a Certification of
19 Convenience and Necessity (“CC&N”) to provide customer owned pay telephone (“COPT”) services
20 within the State of Arizona.

21 2. On February 3, 2016, Fortier filed an application with the Commission requesting to
22 cancel its CC&N to provide COPT telecommunications services within the State of Arizona. The
23 application indicated that the Company no longer provides COPT services in the State of Arizona and
24 that Fortier is authorized to file the application on behalf of the Company.

25 3. On March 3, 2016, the Commission’s Utilities Division (“Staff”) filed a Staff Report in
26 this matter, recommending approval of the Company’s application. According to Staff, Fortier
27 indicated that he waived his right to notice and a hearing in order to cancel the CC&N.

28 4. Staff states that the Commission’s Consumer Services Section reported that no

1 complaints had been filed against the Company from January 1, 2013, to February 10, 2016. Further,
2 Staff states that the most recent Utilities Annual Report filed by Fortier was filed on June 19, 2015.
3 Finally, Staff states that the Commission's Compliance Section indicated that Fortier is in compliance.

4 5. Staff recommends approval of Fortier's application to cancel its CC&N and states that
5 upon cancellation, the Company will no longer be subject to the filing requirements set forth in
6 Decision No. 68987.

7 6. Staff's recommendation to approve Fortier's application for cancellation of its CC&N
8 to provide COPT telecommunications services within the State of Arizona is reasonable and should be
9 adopted.

10 **CONCLUSIONS OF LAW**

11 1. Charles Fortier dba A Better Payphone Co. is a public service corporation within the
12 meaning of Article XV of the Arizona Constitution and A.R.S. §§ 40-281, 40-282 and 40-285.

13 2. The Commission has jurisdiction over Charles Fortier dba A Better Payphone Co. and
14 the subject matter of the application.

15 3. The cancellation of Charles Fortier dba A Better Payphone Co.'s CC&N to provide
16 COPT services in Arizona is in the public interest.

17 4. Charles Fortier dba A Better Payphone Co. waives its right to notice and a hearing in
18 this matter.

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

20 ...

21 ...

22 ...

23 ...

24 ...

25 ...

26 ...

27 ...

28 ...

ORDER

IT IS THEREFORE ORDERED that Charles Fortier dba A Better Payphone Co.'s Certificate of Convenience and Necessity granted in Decision No. 68987 (September 21, 2006) 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 _____ 2016.

JODI JERICH
EXECUTIVE DIRECTOR

DISSENT _____

DISSENT _____

BS:rt

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

SERVICE LIST FOR:

CHARLES FORTIER dba A BETTER PAYPHONE CO.

DOCKET NO.:

T-20447A-16-0042

Charles Fortier
Dba A Better Payphone Co.
PO Box 1125
El Toro, CA 92630

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

Thomas Broderick, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007