

OPEN MEETING ITEM



0000179080

COMMISSIONERS

TOM FORESE - Chairman  
BOB BURKS  
DOUG LITTLE  
ANDY TOBIN  
BOYD W. DUNN

ORIGINAL



ARIZONA CORPORATION COMMISSION

RECEIVED  
CORP COMMISSION  
DOCKET CONTROL

2017 APR 18 A 9:53

Arizona Corporation Commission

DATE: APRIL 18, 2017

DOCKETED

DOCKET NO.: T-02965A-17-0070

APR 18 2017

TO ALL PARTIES:

DOCKETED BY

*GB*

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

TODD BROOKE DBA UNIVERSAL TELECOM  
(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 27, 2017

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:

MAY 9, 2017 AND MAY 10, 2017

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.

TED VOGI  
EXECUTIVE DIRECTOR

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

[www.azcc.gov](http://www.azcc.gov)

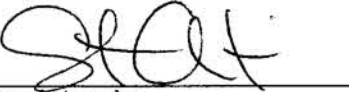
This document is available in alternative formats by contacting Kacie Cannon, ADA Coordinator, voice phone number 602-542-3931, E-mail [KCannon@azcc.gov](mailto:KCannon@azcc.gov).

On this 19<sup>th</sup> day of April, 2017, the following document was filed with Docket Control as a Recommended Order from the Hearing Division, and copies of the document were mailed on behalf of the Hearing Division to the following who have not consented to email service. On this date or as soon as possible thereafter, the Commission's eDocket program will automatically email a link to the filed document to the following who have consented to email service.

Todd Brooke  
10105 E. Via Linda, Bldg. 103  
Ste. 103-244  
Scottsdale, AZ 85258

Andy Kvesic, Director  
Legal Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, AZ 85007  
[LegalDiv@azcc.gov](mailto:LegalDiv@azcc.gov)  
[utildivservicebyemail@azcc.gov](mailto:utildivservicebyemail@azcc.gov)  
**Consented to Service by Email**

By:



Staci Antrim  
Assistant to Brian D. Schneider

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 COMMISSIONERS

3 TOM FORESE – Chairman  
4 BOB BURNS  
5 DOUG LITTLE  
6 ANDY TOBIN  
7 BOYD W. DUNN

8 IN THE MATTER OF THE APPLICATION OF  
9 TODD BROOKE DBA UNIVERSAL TELECOM  
FOR APPROVAL TO CANCEL THEIR  
CERTIFICATE OF CONVENIENCE AND  
NECESSITY.

DOCKET NO. T-02965A-17-0070

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

**ORDER**

10 Open Meeting  
11 May 9 and 10, 2017  
12 Phoenix, Arizona

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 22, 1995, the Commission issued Decision No. 59292, granting Todd  
18 Brooke dba Universal Telecom (“Universal Telecom”) a Certification of Convenience and Necessity  
19 (“CC&N”) to provide customer owned paid telephone (“COPT”) services within the State of Arizona.

20 2. On March 13, 2017, Universal Telecom filed an application with the Commission  
21 requesting to cancel its CC&N to provide COPT services within the State of Arizona.

22 3. On April 6, 2017, the Commission’s Utilities Division (“Staff”) filed a Staff Report  
23 recommending approval of Universal Telecom’s application.

24 4. In its application, Universal Telecom indicated that it no longer provides, or never did  
25 provide, COPT services in Arizona.

26 5. Staff states the Commission’s Consumer Services Section reported there have been no  
27 complaints or opinions filed against Universal Telecom between January 1, 2014, and March 22, 2017.  
28 Further, Staff states Universal Telecom filed its 2014 Utilities Annual Report on January 13, 2015,

1 which indicated it hadn't provided pay telephone services in several years.

2 6. Staff recommends approval of Universal Telecom's application to cancel its CC&N and  
3 states that upon cancellation, Universal Telecom will no longer be subject to the requirements set forth  
4 in Decision No. 59292.

5 **CONCLUSIONS OF LAW**

6 1. Universal Telecom is a public service corporation within the meaning of Article XV of  
7 the Arizona Constitution and A.R.S. §§ 40-281, 40-282 and 40-285.

8 2. The Commission has jurisdiction over Universal Telecom and the subject matter of the  
9 application.

10 3. The cancellation of Universal Telecom's CC&N to provide COPT services within the  
11 State of Arizona is in the public interest.

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

13 **ORDER**

14 IT IS THEREFORE ORDERED that Todd Brooke dba Universal Telecom's application to  
15 cancel its Certificate of Convenience and Necessity to provide customer owned pay telephone services  
16 within the State of Arizona is hereby approved.

17 ...  
18 ...  
19 ...  
20 ...  
21 ...  
22 ...  
23 ...  
24 ...  
25 ...  
26 ...  
27 ...  
28 ...

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

IT IS FURTHER ORDERED that Todd Brooke dba Universal Telecom is no longer subject to the requirements in Decision No. 59292.

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

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

CHAIRMAN FORESE

COMMISSIONER DUNN

COMMISSIONER TOBIN

COMMISSIONER LITTLE

COMMISSIONER BURNS

IN WITNESS WHEREOF, I, TED VOGT, 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 \_\_\_\_\_ 2017.

TED VOGT  
EXECUTIVE DIRECTOR

DISSENT \_\_\_\_\_

DISSENT \_\_\_\_\_  
BDS:sa

1 SERVICE LIST FOR:

TODD BROOKE dba UNIVERSAL TELECOM

2 DOCKET NO.:

T-02965A-17-0070

3 Todd Brooke  
4 10105 E. Via Linda, Bldg. 103  
5 Ste. 103-244  
6 Scottsdale, AZ 85258

7 Andy Kvesic, Director  
8 Legal Division  
9 ARIZONA CORPORATION COMMISSION  
10 1200 West Washington Street  
11 Phoenix, AZ 85007  
12 [LegalDiv@azcc.gov](mailto:LegalDiv@azcc.gov)  
13 [utildivservicebyemail@azcc.gov](mailto:utildivservicebyemail@azcc.gov)  
14 **Consented to Service by Email**