

# **ARIZONA CORPORATION COMMISSION**



## **INSTRUCTIONS AND FORMS**

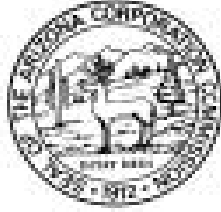
**CUSTOMER OWNED PAY TELEPHONE (COPT) PROVIDERS**

**APPLICATION FOR**

**A CERTIFICATE OF CONVENIENCE AND NECESSITY (CC&N)**

**OR**

**AN ADJUDICATION NOT A PUBLIC SERVICE CORPORATION**



# ARIZONA CORPORATION COMMISSION

## Filing Requirements

### ALL FILINGS REQUIRE

- 1.) An original + 13 copies
- 2.) The Docket number **MUST** be on all copies of the filing [to include the Cover Sheet].
  - a) The exception is a New Application.
- 3.) All copies must be properly collated.
  - a) Please do not send stacks of documents for Docket to collate.
- 4.) No confidential or proprietary information will be docketed.
  - a) If you must file confidential information, you must make prior arrangements with the Hearing or Legal Division(s).
  - b) It is also the filing parties' responsibility to remove or redact any personal information that would not be appropriate for public view.
- 5.) All documents must be filed on 8-1/2" x 11" paper – **NO EXCEPTIONS.**  
(Additional copies to be distributed to parties may be larger if necessary, please contact Docket Control 602-542-3477 for more information.)
- 6.) If the filing is for an existing Docket, the filing party must mail the filed document to ALL parties on the Service List (see E-Docket for copy of Service List).

### COVER SHEETS ARE NO LONGER REQUIRED

If you have any questions concerning the filing of documents please contact Docket Control at (602) 542-3477.

# ARIZONA CORPORATION COMMISSION

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7. COPT Generic Tariff;
8. Arizona Administrative Code R14-2-901.

# ARIZONA CORPORATION COMMISSION

## INSTRUCTIONS

### TO APPLY FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY OR AN ADJUDICATION NOT A PUBLIC SERVICE CORPORATION

The Arizona Corporation Commission ("Commission") is the agency that regulates providers of telephone service in Arizona. The Commission regulates the rates these utility providers charge their customers, the quality of the service provided, and the terms under which service is provided.

#### **I. WHEN TO FILE AN APPLICATION**

If you provide or plan to provide pay telephone service, you may be subject to the Commission's jurisdiction. If you have a pay telephone that is available to the general public for use, you must file an Application for a Certificate of Convenience & Necessity ("CC&N"). A CC&N is essentially a license to provide telephone service to the public.

When applying for a CC&N, you may either operate under the terms of a generic/streamlined tariff, or you may submit your own set of tariffs for the Commission to consider for possible approval. Until your application is approved, you must comply with the Generic Tariff and charge the rates it authorizes. A tariff contains the rates you charge and the terms and conditions under which you provide service. A copy of the generic tariff is included in this packet.

Please complete the enclosed Application - "SHORT FORM FOR PAY TELEPHONE PROVIDERS" by choosing ONE of the three options available under paragraph IV on the application:

- A. To provide public pay telephone service under the terms of the generic tariff; or
- B. To provide public pay telephone service under your own customized tariff; or
- C. Will NOT be acting as a provider of public pay telephone service. This last option is available only if your pay telephone is not available for use by the general public.

#### **II. NOTICING**

If you currently have locations and provide pay telephone service at the time you file your application with the Commission, you must place a "NOTICE" at each pay telephone location informing the public that you have filed an application. A sample form of this "NOTICE" is included in this packet. Inform the Commission you have placed the "NOTICE" by checking the box in paragraph V on the short form application, plus return the completed "CERTIFICATE OF PUBLIC NOTICE", also

included in this packet.

If you do not have locations at the time you file the application, you are not required to post the "NOTICE". The notice is for companies that already have locations. If you acquire locations between the time you file your application and when that application is approved, you must place the "NOTICE" at each location at that time.

### **III. PROCESSING YOUR APPLICATION**

Within approximately two weeks of receiving your completed Application, Commission Staff will review your Application and will make a recommendation to the Commission. You will be mailed a copy of the Staff Recommendations. If you agree with all of the recommendations, your Application may be approved without a hearing. If you object to any of the Staff Recommendations and want a hearing, you may request one. To request a hearing, simply check the box on the bottom of the second page of the Application and mail the entire Application back to:

Docket Control Center  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

Staff may also request a hearing. Approximately three to four weeks after a request for a hearing, one will be held. You will be notified of its time and place. You are required to be present at the hearing and provide testimony. You are not required to have an attorney at the hearing, but may bring one if you wish. For an idea of what happens at these hearings, please refer to the sheet entitled AHEARING PROCESS≡, included in this packet. After the hearing, the Hearing Officer will make a written recommendation that goes to the Commissioners for a final vote which you may attend, but attendance is not required. You will also receive a copy of this recommendation before the Commissioners finalize it.

### **IV. WHAT HAPPENS IF YOU DO NOT REQUEST THE GENERIC TARIFF**

If you choose to request approval of a customized tariff, please complete the Application by checking the 2nd box in paragraph IV of the application. This indicates you wish to use tariffs other than the Generic/Streamlined tariff. Attach a copy of your tariffs. In this case, the process works much the same way as with the Generic Tariff, except that Non-streamlined applications would generally go to a hearing. Since you are submitting your own specific tariffs, the Staff or Hearing Officer may ask clarifying questions of you. Many of these questions may be resolved prior to the hearing and you may be contacted by a Staff member to provide additional information. To the extent that questions are resolved before the hearing, the hearing itself should not take much time. Nevertheless, you are required to appear at this hearing and provide testimony. You are not required to have an attorney at the hearing, but may have one if you wish. Until your application is approved, you must follow the Generic Tariff and charge the rates it authorizes.

## **V. IF YOU DO NOT PROVIDE PUBLIC TELEPHONE SERVICE**

Not everyone who installs a pay telephone provides public telephone service that the Commission would regulate. You are NOT a provider of public telephone service if:

- A. It is not your primary business to provide pay telephone service: and
- B. Your pay telephone is not or will not be used by the general public.

If you believe that both of these conditions apply to you, complete the Application by checking the 3<sup>rd</sup> box in paragraph IV of the Short Form Application.

Please mail the original and 13 copies of your completed Application to:

Docket Control Center  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

After reviewing your Application, the Commission Staff may request additional information. However, if you have any questions, please contact the Arizona Corporation Commission, Utilities Division, at (602) 542-4251 or toll-free within Arizona at 1-800-222-7000.

**ARIZONA CORPORATION COMMISSION**

**APPLICATION**

**SHORT FORM FOR PAY TELEPHONE PROVIDERS**

**Mail or deliver an Original and 13 copies of this application to:**

Docket Control Center  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

- I. List the name, address, and telephone number of the person or entity (Applicant) that subscribes to the phone line from the local exchange company, indicate Business Name (if different than Applicant):

\_\_\_\_\_  
(Applicant's Name)

\_\_\_\_\_  
(Business Name if different than Applicant's Name)

\_\_\_\_\_  
(Applicant's Address)

\_\_\_\_\_  
(Applicant's Email Address)

\_\_\_\_\_  
(Applicant's Address)

(\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_  
(Applicant's Telephone Number)

- II. If you intend on having an attorney represent you in this application, list the attorney's name, address and telephone number:

\_\_\_\_\_  
(Attorney's Name)

\_\_\_\_\_  
(Attorney's Address)

\_\_\_\_\_  
(Attorney's Email Address)

\_\_\_\_\_  
(Attorney's Address)

(\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_  
(Applicant's Telephone Number)

- III. What type of entity is the Applicant?

SOLE PROPRIETORSHIP     PARTNERSHIP     LIMITED LIABILITY COMPANY

CORPORATION: By checking this box, you certify that you have a current copy of your Articles of Incorporation on file with the Arizona Corporation Commission's – Corporations Division:

Arizona Corporation     Foreign Corporation

- IV. SELECT ONE THAT APPLIES:

**GENERIC/STREAMLINED TARIFF:** By checking this box, the Applicant states it intends to provide public pay telephone service in the State of Arizona under the rates, terms, and conditions as set forth in the COPT Generic Tariff, and A.A.C. R14-2-901. et.seq., and hereby concurs in that Tariff. The Applicant understands that requests to provide service under conditions other than those set forth in the COPT Generic Tariff may be approved only by

specific order of the Arizona Corporation Commission pursuant to A.A.C. R14-2-901. et. seq.;  
or

- [ ] CUSTOMIZED TARIFF: By checking this box, the Applicant states it intends to provide pay telephone service in the State of Arizona under a Special (non-streamlined) Tariff, A.A.C. R14-2-901. et. seq., and submits with this application its proposed Special (non-streamlined) COPT Tariff for services to be offered and does not concur in the Generic Tariff; or
- [ ] By checking this box, the Applicant states that it is NOT PROVIDING PUBLIC PAY TELEPHONE SERVICE, and hereby states that it is not a public service corporation, and swears and affirms that it is not offering its pay telephone service to the public and its primary business is not providing public pay telephone service. NOTE: Applicant may be subject to fines or other penalties if it is operating as a Public Service Corporation without a Certificate of Convenience and Necessity.

V. NOTICING

- [ ] By checking this box the Applicant states that it has placed the prescribed notice of the application at each pay telephone location (See instruction sheet: "NOTICE"). Attach ONE copy of a list of the addresses where you provide pay telephone service; OR
- [ ] By checking this box the applicant indicates it does NOT have any COPTs at this time.

VI. Attach one copy or sample of the customer information placard, which will be located on the pay telephone, that describes the services you offer and the instructions for operation. If you have checked the box to conform to the Generic Tariff, the placard must conform to: Para. III. items; C., D., J., K., and M.; plus Para. IV. C., items 1. through 7. of the Generic Tariff.

---

(Signature of Applicant and Title)

---

(Type or Print Your Name)

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**DO NOT WRITE IN THIS SPACE**

**STAFF RECOMMENDATIONS**

By checking this box, the Applicant is requesting a hearing because it objects to the Staff Recommendations or other reasons. The request for a hearing and any objections to these Recommendations must be filed within 20 days from the date of this report. If the request is not made within 20 days, the Commission may decide the matter without a hearing unless a hearing is requested by Staff or an Intervenor.



**ARIZONA CORPORATION COMMISSION**

**NOTICE**

**PUBLIC NOTICE OF APPLICATION FOR A  
CERTIFICATE OF CONVENIENCE AND NECESSITY**

\_\_\_\_\_ *Name of Company* \_\_\_\_\_, has filed with the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity (ACC&N) to provide Customer Owned Pay Telephone Service in the State of Arizona.

\_\_\_\_\_ *Name of Company* \_\_\_\_\_ is required by the Commission to provide this service under the rates, charges, terms, and conditions established by the Commission.

The application is available for inspection during regular business hours at the offices of the Arizona Corporation Commission, 1200 West Washington Street, Phoenix, Arizona, and at:

\_\_\_\_\_  
(Name of Company)

\_\_\_\_\_  
(Address of Company)

\_\_\_\_\_  
(Address of Company)

You may have the right to intervene in the proceeding, or you may write to the Commission or call and make a statement on your own behalf. If you have any questions about this application or have any objections to its approval, you may contact the Consumer Services Section of the Commission at 1200 West Washington Street, Phoenix, Arizona 85007 or call locally to (602) 542-4251 or in-state toll free at 1-800-222-7000.

**ARIZONA CORPORATION COMMISSION**

**CERTIFICATE OF PUBLIC NOTICE**

**APPLICANT'S NAME:** \_\_\_\_\_

**BUSINESS NAME:** \_\_\_\_\_

**DOCKET NO.:** \_\_\_\_\_

On \_\_\_\_\_, I posted the Public Notice of Application For a Certificate of Convenience and Necessity at each pay telephone location as directed by the Arizona Corporation Commission.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Print Name and Title)

(\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_  
(Telephone Number)

\_\_\_\_\_  
(Signature)

## **ARIZONA CORPORATION COMMISSION**

### **HEARING PROCESS**

If either you or Staff request a hearing, a Hearing Officer, representing the Commissioners, will conduct the hearing. The Hearing Officer begins the hearing by giving a summary of its purpose. Then he or she will ask everyone to identify him or herself. There may be other owners of pay telephones in attendance going through this process at the same time.

When it is your turn, you will be asked to once again identify yourself by stating your name, address, and the position you hold with your business (e.g.: owner or manager). You may also be asked questions such as:

- A. How many pay telephones do you have?
- B. In or near what type of establishments are the pay telephones located?
- C. Are these phones accessible to the public?
- D. Do you agree to abide by the rates, charges, terms, and conditions of the generic tariff or are you requesting a difference set of rates?
- E. Are you aware of the Staff recommendation on your Application, and do you agree with it?

If you have any questions about the hearing process, you may call locally to (602) 542-4251, or toll free at 1-800-222-7000.

Concurring COPT:

COPT Tariff No. 1

Concurrence Date:

Effective:

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**CUSTOMER OWNED PAY TELEPHONE (COPT)  
GENERIC TARIFF**

I. DESCRIPTION OF CUSTOMER OWNED PAY TELEPHONE SERVICE

- A. Customer Owned Pay Telephone (COPT) Service is public pay telephone service to end-users provided by entities other than the certificated local exchange telephone company. COPT service involves the resale of those local exchange and interexchange telecommunications services authorized for resale by the Arizona Corporation Commission (ACC) and provided through the facilities of public service corporations certificated to provide such services in the State of Arizona.
- B. COPT service is provided by interconnection with local exchange carriers through approved local exchange company tariffs under which COPT providers are authorized to obtain access to the local and interexchange telecommunications network.
- C. COPT service is subject to all restrictions imposed by the Arizona Corporation Commission on the intrastate transmission of telecommunications services.

II. SERVICE OFFERED

- A. The following services may be provided to end-users under this tariff:
  - 1. Local Message Service - Provides callers with the ability to complete calls to other locations within the local (exchange) calling area.
  - 2. Intrastate Message Toll Service - Provides callers with the ability to complete calls to locations outside the local (exchange) calling area.
  - 3. Local Directory Assistance - Provides callers with telephone numbers for parties located within the local (exchange) calling area.
  - 4. Intrastate Directory Assistance - Provides callers with telephone numbers for parties located outside the local (exchange) calling area.
  - 5. Operator Services
    - a. **Operator Assisted Station-to-Station Calls**

Provides for the completion of a call through the use of an operator with the caller paying for the call before it is completed.
    - b. **Operator Assisted Person-to-Person Calls**

Concurring COPT:

COPT Tariff No. 1

Concurrence Date:

Effective:

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Provides for the completion of a call to a specified person through the use of an operator with the caller paying for the call before it is completed.

c. **Operator Assisted Collect Calls**

Provides for the completion of a call through the use of an operator with the called party billed for the call.

d. **Operator Assisted Third Number Billed Calls**

Provides for the completion of a call through the use of an operator with the call billed to a home or other telephone number.

e. **Customer Dialed Calling Card and Credit Card Calls**

Provides for the completion of a call without the use of an operator with the call billed to the calling card or credit card account.

- B. Services not described above may be offered only upon approval of the Arizona Corporation Commission under procedures established in A.R.S. Section 40-250.

III. REGULATIONS

- A. COPT Service is provided to all users on a non-discriminatory basis using Federal Communications Commission registered equipment, which has been installed and maintained in accordance with generally accepted telecommunications industry standards and applicable state and local codes.
- B. All COPT instruments are hearing-aid compatible and accessible to the disabled in compliance with federal and state laws.
- C. COPT instruments will be placed in well-lighted locations and will be maintained in good working order. The COPT provider will respond promptly to reports of equipment failure and other reasonable complaints. The COPT provider's name and telephone number of the COPT will be displayed prominently on each COPT instrument.
- D. Instructions on how to make a call, how to report malfunctions, and how to obtain refunds, will be posted at every COPT location in those languages required by the Commission.
- E. Access to emergency 911 service is provided free at all COPT locations, without the use of a coin and without time limitations. In those areas where 911 service is not available, access to the local emergency service providers will be provided free of charge and without time limitations.
- F. Coin-activated instruments will accept nickels, dimes, and quarters. Coins will be returned for uncompleted calls.
- G. Access to the end-user's preferred toll carriers will not be denied.

Concurring COPT:

COPT Tariff No. 1

Concurrence Date:

Effective:

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- H. Surcharges by premise owners for intrastate calls and/or operator services are prohibited unless specifically authorized by the Arizona Corporation Commission.
  - I. Operator Services are provided by ACC certified operator services companies at Commission approved rates and charges. However, these services may be provided through the use of capabilities embedded in the COPT (Store and forward pay telephones). Specific regulations applicable to COPT provided operator service are contained in Section IV, below.
  - J. Service limitations (e.g., local calling only, outgoing calls only) will be clearly posted at each COPT location. If service is limited to local calling, access to local operators will be provided.
  - K. Access to Local Directory Assistance may be provided free of charge and without the use of a coin. Charges for Directory Assistance will be clearly posted at each COPT location.
  - L. 1-800, 10XXX-0+ and 950 access will be provided at no charge to the calling party.
  - M. Time limits on local calls without additional coins will not be less than three (3) minutes. Time limitations will be clearly posted.
  - N. Service not in conformance with these regulations, or in violation of other rules and conditions of certification, may be terminated by Order of the ACC. The Commission reserves the right to enforce such Orders by denial of those services that COPTs are authorized to use to obtain access to the local and interexchange networks.

IV. REGULATIONS APPLICABLE TO COPT-PROVIDED OPERATOR SERVICES:

- A. The COPT operator service provided will identify itself at the outpulse of the terminating number which informs the end-user that the COPT provider's rates, operator service charges and surcharges apply to the call. This message will be provided before the end-user incurs any charge for the call, including a usage rate, operator service charge and surcharge.
- B. The COPT operator service provider will disclose immediately to the customer, upon request and at no charge to the caller, any of the following information:
  - 1. A quotation of rates, operator service charges and location-specific surcharges;
  - 2. The methods by which such rates, operator service charges and surcharges will be collected;
  - 3. The methods by which complaints concerning such rates, operator service charges and surcharges or collection practices will be resolved; and
  - 4. That the preferred carrier can be reached by access code or toll-free customer service number.

Concurring COPT:

COPT Tariff No. 1

Concurrence Date:

Effective:

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- C. The COPT operator service provider will post all of the following information, on or near the COPT, in plain view of the end-user:
1. The name, address, and toll-free telephone number of the COPT provider;
  2. A written disclosure that the rates, operator service charges and location specific surcharges of the COPT operator service provider apply for all operator-assisted calls;
  3. A statement that interLATA calls made with calling cards, including IXC cards, may be carried by the COPT service provider;
  4. Dialing instructions;
  5. A toll-free telephone number for billing inquiries;
  6. A description of complaint procedures; and
  7. That end-users have a right to obtain access to the interexchange carrier of their choice.
- D. The COPT operator service provider will not require or participate in blocking any end-users' access to a preferred carrier.
- E. COPT providers using store and forward technology shall route all zero-minus calls immediately to the originating LEC.
- F. Billing and Collection Requirements
1. The COPT will bill monthly for operator services rendered.
  2. Bills issued for the intrastate interLATA operator service provided by the COPT provider will include the minimum information required by A.A.C. R14-2-508(B), and identify the COPT service provider, to the extent the LEC has the capability to do so. In the absence of that capability, the identification of the billing agent or clearing house and its toll-free customer service telephone number are required.
  3. The LEC will not be required to process any billing for any intraLATA calls carried by the COPT provider, whether intentional or incidental, where the required compensation has not been paid to the LEC.
  4. Billing for COPT-provided operator services will comply with all of the following billing procedures:
    - a. The billing date will be printed on the bill and shall be the date the bill was issued;
    - b. The COPT provider will provide a full refund of any charge levied for an uncompleted call;

Concurring COPT:

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- c. COPT providers or their billing agents will not bill for calls which occur more than 60 days prior to the billing date; and
  - d. COPT providers or their billing agents will not bill for any intraLATA call carried by the COPT provider, whether intentional or incidental, where the required compensation has not been paid to the LEC.

## V. RATES AND CHARGES

A. COPT service will be provided at the following maximum rates and charges.

1. **Local Message Service** (3 minutes minimum time)

Rates for local message service may not exceed the rate approved by the ACC for the serving local exchange carrier's public telephones.

2. **Intrastate IntraLATA Message Toll Service**

Rates for intrastate intraLATA message toll service may not exceed the day rates set forth in the certified local exchange carrier's tariff.

3. **Intrastate InterLATA Message Toll Service**

Rates for intrastate interLATA message toll service may not exceed the day rates set forth in the tariffs of the certificated intrastate interLATA carrier whose facilities are used to carry the call.

4. **Local Directory Assistance**

Charges for local directory assistance may not exceed the rates set forth in the certificated local exchange carrier's tariff.

5. **Intrastate Long Distance Directory Assistance**

Charges for intrastate long distance directory assistance may not exceed the rates for such service set forth in the tariff for the certificated carrier whose facilities are used to provide intrastate interexchange directory assistance.

6. **Operator Handled Calls**

- a. Charges for Operator assisted calls may not exceed the rates and charges authorized for the ACC certified Operator Services provided that provides operator services to the COPT.



Concurring COPT:

COPT Tariff No. 1

Concurrence Date:

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- b. In those instances where operator services are provided through the use of capabilities embedded in the COPT:
- (1) Charges for intrastate intraLATA operator assisted, calling card and credit card calls may not exceed the rates for operator service set forth in the certificated local exchange carrier's tariff.
  - (2) Charges for intrastate interLATA operator assisted, calling card and credit card calls may not exceed the rates for operator service set forth in the tariffs for the certificated carrier whose facilities are used to provide intrastate interexchange service.
- B. Rates for COPT service may be discounted below these maximums at the discretion of the COPT service provider.
- C. Rates for services not included in this tariff are contained in other approved tariffs of the Company on file with the ACC.

**ARIZONA CORPORATION COMMISSION**

**ARIZONA ADMINISTRATIVE CODE**

**CORPORATION COMMISSION - FIXED UTILITIES**

ARTICLE 9. CUSTOMER-OWNED PAY TELEPHONES

R14-2-901. Definitions

In this Article, unless the context otherwise requires:

1. "Affiliate" means any other entity directly or indirectly controlling or controlled by, or under direct or indirect common control with, a customer of record. For purposes of this paragraph, the term "control, (including the correlative meanings of the terms "controlled by" and "under common control with"), as used with respect to any entity, means the power to direct the management policies of such entity, whether through the ownership of voting securities, by contract, or otherwise.
2. "Customer of record" means a premises owner or vendor, who has either applied to, or who has obtained from, an LEC an access line to be a COPT provider.
3. "Customer-owned pay telephone (COPT) provider" means an entity authorized by the Commission to provide public pay telephone service to end-users and which is not a certificated LEC on the effective date of this Article. For purposes of compliance with Article 5 of this Chapter, "COPT provider" does not mean a "utility" as defined in R14-2-501(24).
4. "'800' service" means calls to telephone numbers which normally can be reached without charge to the calling party by dialing 1-800 plus seven digits.
5. "Entity" means a corporation, partnership, limited partnership, joint venture, trust, estate, or natural person.
6. "Local Exchange Company (LEC) means a company which is certificated to operate the local public switched telecommunications network.
7. "Public access line (PAL)" means any LEC tariff under which COPT providers are authorized to obtain access to the local and interexchange telecommunications network.

R14-2-902. Application for Certificate of Convenience and Necessity

A. Within 30 days of the effective date of this Article, all LEC's shall provide written notification of the

requirements of this Article to each of their existing customers of record. Such notification shall be in a form acceptable to the Commission and shall explain that all customers of record are required to file either an application for a certificate of convenience and necessity (CC&N) pursuant to this Section or an application for an adjudication not a public service corporation pursuant to R14-2-904.

B. Any customer of record requesting PAL service subsequent to the effective date of this Article who was not subject to the provisions of subsections (A) and (E) of this Section, or whose PAL service was terminated pursuant to the provisions of this Article, shall provide to the LEC proof of either:

1. A CC&N granted pursuant to this Section; or
2. An adjudication order declaring that it is not a public service corporation pursuant to R14-2-904.

C. All customers of record shall submit to the Commission an original and ten copies of an application for a CC&N. A customer of record who has COPT's placed in more than one location may apply for a single CC&N to cover all locations served.

D. Each customer of record shall submit an application on a form provided by the Commission which includes all of the following information:

1. The name and address of the customer of record, including a contact person for coordinating communications with the Commission and a contact person or telephone number for maintenance and complaint handling. If the customer of record is other than an individual, a listing of the officers, directors, or partners and a copy of the articles of incorporation, partnership agreement, or other organizational document shall be provided.
2. A description of all affiliated relationships between the customer of record and any public service corporation or telecommunications company.
3. The addresses and descriptions of locations to be served, including the name of the serving LEC.
4. A description of the equipment being used to provide service.
5. A list of services provided and the proposed rates.
6. An example of the contract between the customer of record and the premises owner, if different.
7. A description of how information posting and complaint handling requirements will be met.
8. A customer of record planning to serve more than 50 locations shall submit relevant financial data, including current financial statements, the method of financing operations, and projected annual operating expenses. For purposes of this paragraph, the number of service locations shall include all those of the customer of record and affiliates.

9. One of the following also shall be included:
  - a. A commitment to provide service under the Generic (Streamlined) COPT Tariff; or
  - b. A request for approval of services under a Special (Non- Streamlined) COPT Tariff.

E. Time-frames for processing applications for Certificates of Convenience and Necessity

1. This rule prescribes time-frames for the processing of any application for a Certificate of Convenience and Necessity issued by the Arizona Corporation Commission pursuant to this Article. These time-frames shall apply to applications filed on or after the effective date of this rule.
2. Within 30 calendar days after receipt of an application for a new Certificate of Convenience and Necessity, or to amend or change the status of any existing Certificate of Convenience and Necessity, staff shall notify the applicant, in writing, that the application is either administratively complete or deficient. If the application is deficient, the notice shall specify all deficiencies.
3. Staff may terminate an application if the applicant does not remedy all deficiencies within 60 calendar days of the notice of deficiency.
4. After receipt of a corrected application, staff shall notify the applicant within 30 calendar days if the corrected application is either administratively complete or deficient. The time-frame for administrative completeness review shall be suspended from the time the notice of deficiency is issued until staff determines that the application is complete.
5. Within 150 days after an application is deemed administratively complete, the Commission shall approve or reject the application, unless a formal hearing is held.
6. For purposes of A.R.S. § 41-1072 et seq., the Commission has established the following time-frames:
  - a. Administrative completeness review time-frame: 30 calendar days,
  - b. Substantive review time-frame: 150 calendar days,
  - c. Overall time-frame: 180 calendar days.
7. If an applicant requests, and is granted, an extension or continuance, the appropriate time-frames shall be tolled from the date of the request during the duration of the extension or continuance.
8. During the substantive review time-frame, the Commission may, upon its own motion or that of any

interested party to the proceeding, request a suspension of the time-frame rules.

- F. Subsequent to adoption of this Article, the Commission shall issue an order setting time limitations within which LECs, as well as all customers of record providing service as of the effective date of this Article, shall comply with the requirements contained herein.

#### Historical Note

Adopted effective September 16, 1992 (Supp. 92-3). Amended effective December 31, 1998, under an exemption as determined by the Arizona Corporation Commission (Supp. 98-4).

#### R14-2-903. Grant of Certificate of Convenience and Necessity

- A. The Commission shall analyze an application for a CC&N to determine if it is complete and correct. If necessary, the Commission may request additional information from the CC&N applicant.
- B. The Commission shall hold a hearing to review an application for a CC&N. The type of hearing held shall depend on the tariff requested by the CC&N applicant:
  - 1. The Commission may hold periodic consolidated hearings to review all applications which request the Generic (Streamlined) COPT Tariff described in R14-2-905.
  - 2. The Commission shall hold individual hearings to review applications which request a Special (Non-Streamlined) COPT Tariff as described in R14-2-906.
- C. The Commission shall notify in writing the CC&N applicant and the appropriate LEC of the Commission's determination made pursuant to this Section. A CC&N granted under this Section shall be issued in the name of the customer of record.
- D. All CC&N's granted under this Section shall include both of the following:
  - 1. An obligation to serve all users in a non-discriminatory manner, and
  - 2. An obligation to comply with all Commission requirements relevant to the provision of intraLATA service.
- E. A holder of a CC&N shall notify the Commission in writing prior to discontinuing or abandoning COPT service at any location.

#### Historical Note

Adopted effective September 16, 1992 (Supp. 92-3).

R14-2-904. Application for Adjudication not a Public Service Corporation

- A. Any entity intending to provide COPT service, or any customer of record, may submit to the Commission an original and ten copies of an application to be adjudicated not a public service corporation.
- B. The Commission shall determine whether the adjudication applicant is a public service corporation by examining all of the following factors:
  - 1. What business activities the adjudication applicant conducts or will conduct.
  - 2. Whether the pay telephone service is or will be dedicated to public use.
  - 3. Whether the adjudication applicant accepts or will accept substantially all requests for service.
  - 4. Whether the adjudication applicant is or will be the sole offeror of pay telephone service in the area, or is in competition with other providers.
  - 5. Whether the public safety and convenience requires maintenance of public telephone facilities at the locations designated in the application.
- C. The Commission shall notify in writing the adjudication applicant and the appropriate LEC of the Commission's determination made pursuant to subsection (B) of this Section. Such notification shall be made within 180 days of receipt of an application submitted pursuant to subsection (A) of this Section.
- D. An adjudication applicant adjudicated a public service corporation under the provisions of this Section shall submit an application for a certificate of convenience and necessity pursuant to R14-2-902 within 30 days of receiving notice of the Commission's determination.
- E. An adjudication applicant adjudicated not a public service corporation under this Section shall be exempt from the requirements contained in this Article.

Historical Note

Adopted effective September 16, 1992 (Supp. 92-3).

R14-2-905. Generic (Streamlined) COPT Tariff

- A. All COPT providers holding CC&N's granted under this Article shall comply with the terms of the Generic (Streamlined) COPT Tariff, unless otherwise ordered by the Commission pursuant to R14-2-906.

B. In the Generic (Streamlined) COPT Tariff, the Commission shall specify the rates, terms, and conditions associated with the following standards:

1. The rates and charges to end-users for local calling.
2. The rates and charges to end-users for intrastate toll calling.
3. The application of toll charges, if any, for use of "800" services.
4. The accessibility by end-users of alternative toll carriers.
5. Limitations on service to local calling and access to local operators.
6. Instructions on how to make a call and how to obtain refunds.
7. Duration of local calls before additional charges apply.
8. The provision of emergency service and local directory assistance.
9. Acceptable methods of payment by end-users.
10. Design and technical specifications for instruments.
11. The provision of operator services.
12. Procedures for obtaining approval for provision of services not included in the tariff.
13. The termination of PAL service at any location for violation of tariff provisions.

C. The Commission may approve and revise the Generic (Streamlined) COPT Tariff as necessary.

#### Historical Note

Adopted effective September 16, 1992 (Supp. 92-3).

#### R14-2-906. Special (Non-Streamlined) COPT Tariff

A. Instead of concurring with the Generic (Streamlined) COPT Tariff, a COPT provider may file a proposed Special (Non- Streamlined) COPT Tariff with an application for a CC&N submitted pursuant to R14-2-902.

B. The Commission shall analyze each proposed Special (Non- Streamlined) COPT Tariff on an individual basis. In reviewing the proposed Special (Non-Streamlined) COPT Tariff, the Commission shall

consider the standards listed in R14-2-905(B).

- C. While a proposed Special (Non-Streamlined) COPT Tariff is pending before the Commission, the COPT provider shall comply with the provisions of the Generic (Streamlined) COPT Tariff.
- D. Following a hearing, the Commission may approve, modify, or reject any proposed Special (Non-Streamlined) COPT Tariff.
- E. Changes may be made to a Special (Non-Streamlined) COPT Tariff as a result of a tariff filing made pursuant to A.R.S. § 40- 250(B) or an individual rate proceeding.

#### Historical Note

Adopted effective September 16, 1992 (Supp. 92-3).

#### R14-2-907. Reporting Requirements and Safety Standards

- A. All COPT providers shall submit an annual report to the Commission on a form prescribed by the Commission. The annual report shall be filed on or before the 1st day of February for the preceding calendar year. The annual report shall include all of the following information:
  - 1. A description of any material changes in the information provided by the COPT provider in the original CC&N application or in the last annual report.
  - 2. An updated list of all locations served by the COPT provider.
  - 3. The COPT provider's gross operating revenues derived from intrastate operations during the preceding calendar year.
- B. A COPT provider having gross operating revenues derived from intrastate operations during the preceding calendar year which exceed \$250,000 shall be subject to the annual assessment described in A.R.S. § 40-401.

#### Historical Note

Adopted effective September 16, 1992 (Supp. 92-3).

#### R14-2-908. Violations

- A. The Commission may order a LEC to immediately terminate PAL service to any customer of record which:
  - 1. Fails to do one of the following:



- a. Obtain a CC&N to provide service pursuant to R14-2-902 and R14-2-903; or
  - b. Receive an adjudication that it is not a public service corporation pursuant to R14-2-904.
2. Violates any applicable pricing or service standard as described in approved tariffs and R14-2-903, R14-2-905, and R14-2-906.
- B. A LEC shall not offer PAL service to a customer of record unless one of the following requirements has been met:
1. The customer of record has received a CC&N from the Commission; or
  2. The customer of record has been adjudicated not a public service corporation.
- C. A LEC in violation of subsection (B) of this Section shall be subject to the penalty provisions contained in A.R.S. §§ 40-421 to 40-433.
- D. Any COPT provider found by the Commission to be in violation of subsection (A)(2) of this Section shall be subject to revocation of its CC&N.

Historical Note

Adopted effective September 16, 1992 (Supp. 92-3).

R14-2-909. Variations or Exemptions from the Commission's Rules

Variations or exemptions from the terms and requirements of any of the rules included in this Article shall be considered upon the verified application of an affected party to the Commission setting forth the circumstances whereby the public interest requires such variation or exemption from the Commission's rules. Such application will be subject to the review of the Commission, and any variation or exemption granted shall require an order of the Commission. In case of conflict between these rules and an approved tariff or order of the Commission, the provisions of the tariff or order shall apply.

Historical Note

Adopted effective September 16, 1992 (Supp. 92-3).