

State of Arizona
House of Representatives
Forty-second Legislature
Second Regular Session
1996

FILED

**Jane Dee Hull
Secretary of State**

CHAPTR 336

HOUSE BILL 2345

AN ACT

AMENDING SECTION 40-282, ARIZONA REVISED STATUTES; RELATING TO CERTIFICATES OF CONVENIENCE AND NECESSITY.

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 40-282, Arizona Revised Statutes, is amended to
3 read:

4 40-282. Application for certificate; hearing; application upon
5 contemplated franchise

6 A. If the applicant for a certificate of convenience and necessity is
7 a corporation, a certified copy of its articles of incorporation shall be
8 filed in the office of the commission before any certificate of convenience
9 and necessity may issue.

10 B. Every applicant for a certificate shall submit to the commission
11 evidence required by the commission to show that the applicant has received
12 the required consent, franchise or permit of the proper county, city and
13 county, municipal or other public authority.

14 C. The commission may, after A hearing, issue the certificate or
15 refuse to issue it, or issue it for the construction of only a portion of the
16 contemplated street railroad, line, plant or system, or extension thereof,
17 or for the partial exercise only of the right or privilege, and may attach
18 to the exercise of rights granted by the certificate terms and conditions it
19 deems that the public convenience and necessity require. THE COMMISSION MAY
20 ACT AFTER AN APPLICATION OR AFTER A HEARING, IF REQUESTED BY ANY PARTY, ON
21 AN APPLICATION FOR A CERTIFICATE TO PROVIDE ANY OF THE FOLLOWING
22 TELECOMMUNICATIONS SERVICES:

1 1. PAY TELEPHONE SERVICE TO END-USERS IF THE APPLICANT HAS NOT
2 RECEIVED A CERTIFICATE TO PROVIDE LOCAL EXCHANGE TELECOMMUNICATIONS SERVICE
3 WITHIN THE AREA WHERE THE PAY TELEPHONE IS OR WILL BE LOCATED.

4 2. AUTOMATED OR LIVE OPERATOR SERVICES ACCESSED FROM A LOCATION WHERE
5 TELEPHONES ARE AVAILABLE TO THE PUBLIC OR TRANSIENT USERS OF THE PREMISES AND
6 WHERE THE APPLICANT HAS NOT BEEN CERTIFICATED AS EITHER:

7 (a) A LOCAL EXCHANGE CARRIER FOR THE LOCATION BY JANUARY 1, 1996.

8 (b) A FACILITIES BASED INTEREXCHANGE CARRIER BY JANUARY 1, 1996.

9 3. TELECOMMUNICATIONS SERVICES RESOLD TO THE PUBLIC FOR PROFIT IF THE
10 APPLICANT OBTAINS THE SERVICES FROM ANOTHER ENTITY.

11 D. If a public service corporation desires to exercise a right or
12 privilege under a franchise or permit which it contemplates securing, but
13 which has not yet been granted to it, the corporation may apply to the
14 commission for an order preliminary to the issue of the certificate. The
15 commission may ~~thereupon~~ make an order declaring that it will thereafter,
16 upon application, under rules ~~and regulations~~ it prescribes, issue the
17 desired certificate, upon terms and conditions it designates, after the
18 corporation has obtained the contemplated franchise or permit-- OR MAY MAKE
19 AN ORDER ISSUING A CERTIFICATE ON THE CONDITION THAT THE CONTEMPLATED
20 FRANCHISE OR PERMIT IS OBTAINED AND ON OTHER TERMS AND CONDITIONS IT
21 DESIGNATES. IF THE COMMISSION MAKES AN ORDER PRELIMINARY TO THE ISSUANCE OF
22 THE CERTIFICATE, upon presentation to the commission of evidence that the
23 franchise or permit has been secured by the corporation, the commission shall
24 ~~thereupon~~ issue the certificate.

APPROVED BY THE GOVERNOR MAY 1, 1996

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 1, 1996