

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of the Cancellation of the	)	
Certificate of Service Authority of Jay Noel d/b/a	)	Case No.
Allied Phone Service	)	

**MOTION TO CANCEL CERTIFICATE OF SERVICE AUTHORITY**

**COMES NOW** the Staff of the Missouri Public Service Commission (Staff) and moves for the Missouri Public Service Commission (Commission) to cancel Jay Noel d/b/a Allied Phone Service's (APS) certificate of service authority to provide private pay telephone service via customer-owned coin operated telephone (COCT) equipment. For said Motion, Staff respectfully states the following:

1. On August 16, 1996, the Commission issued an Order in Case No. TA-97-32, granting a certificate of service authority to APS to provide private pay telephone service via COCT equipment. See Attachment A.
2. On October 9, 2008, the Commission received a letter from APS, stating "[p]lease cancel the certificate of authority as provided in Case No. TA-97-32." See Attachment B.
3. 4 CSR 240-3.560 provides the filing procedure for certificated telecommunications companies who wish to cease operations. As APS' letter lacked many of the filing requirements, Counsel for Staff contacted APS to acquire additional information.
4. On January 22, 2009, Counsel for Staff was able to reach Mr. Noel to obtain additional information. Mr. Noel stated that in October of 2008, he ceased operation of the payphones located at the commercial and residential areas he owns. Mr. Noel has removed and retained the equipment.

5. APS owes no past assessments to the Commission.
6. Section 392.390(1) RSMo (2000) requires a telecommunications company to “[f]ile annual reports with the commission as required by the commission and in a form and at times prescribed by the commission.” Section 392.520 (1) RSMo (Supp. 2008) provides the Commission may exempt COCT providers from the provisions of Section 392.390, and 4 CSR 240-3.505(1)(B) does so.
7. Because APS has requested cancellation of its certificate and is not providing pay telephone service in Missouri, Staff recommends the Commission issue an order canceling its certificate.
8. The Commission has the authority to cancel a telecommunications certificate pursuant to Section 392.410.5 RSMo (Supp. 2008), which provides “[a]ny certificate of service authority may be altered or modified by the commission after notice and hearing, upon its own motion or upon application of the person or company affected.”
9. The Commission need not hold a hearing, if, after proper notice and opportunity to intervene, no party requests such a hearing. *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494 (Mo. App. 1989).

**WHEREFORE**, the Staff respectfully recommends the Commission 1) cancel the certificate of service authority of Jay Noel d/b/a Allied Phone Service, to provide private pay telephone service in the State of Missouri via customer owned coin telephone equipment.

Respectfully submitted,

**/s/ Jennifer Hernandez**

Jennifer Hernandez  
Legal Counsel  
Missouri Bar No. 59814  
Attorney for the Staff of the  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102  
(573) 751-8706 (Telephone)  
(573) 751-9285 (Fax)  
[jennifer.hernandez@psc.mo.gov](mailto:jennifer.hernandez@psc.mo.gov)

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing was mailed, first class postage prepaid, to all parties to this cause on this 12<sup>th</sup> day of March, 2009.

**/s/ Jennifer Hernandez**

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a Session of the Public Service  
Commission held at its office  
in Jefferson City on the 16th  
day of August, 1996.

In the Matter of the Application of Allied Phone    )  
Service for Certificate of Service Authority to       )  
Provide Private Pay Telephone Service Within the     )  
State of Missouri.                                                )

**CASE NO. TA-97-32**

**ORDER GRANTING CERTIFICATE**

On July 19, 1996, Jay Noel d/b/a Allied Phone Service (Applicant) filed a verified application seeking a certificate of service authority to provide private pay telephone service in the State of Missouri via customer owned telephone (COCT) equipment. Applicant is an individual authorized to do business in the State of Missouri under a fictitious name with his principal office or place of business located at 7819 East 105th Street, Kansas City, Missouri 64134.

On July 25, 1996, the Commission issued an Order and Notice directing its Records Department to send notice of the application. The Commission stated that if no one filed an application to intervene or motion for hearing, Applicant would be granted a certificate of service authority. No application to intervene nor motion for hearing was filed.

The application was filed pursuant to Section 392.440, RSMo 1994, which provides that any company offering the resale of local exchange telecommunications service must first obtain a certificate of service authority. Section 392.440 further provides that the Commission shall approve an application for such a certificate upon a showing by the applicant and a finding by the Commission, after notice and hearing, that the grant of authority is in the public interest. The requirement of a hearing has been

fulfilled as all those having a desire to be heard have been offered such an opportunity. *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494, 496 (Mo. App. 1989).

Given the policy mandate of Chapter 392 that COCT providers be afforded the minimum regulation permitted by the Chapter, the Commission concludes that the showing of public interest required by Section 392.440 is met by the verified application for a certificate to provide COCT service. Thus, the Commission finds that the approval of the application is in the public interest and a certificate of service authority should be granted.

To ensure that the public interest continues to be served, the Commission finds that Applicant's service shall be provided consistent with the following terms:

- A. The maximum charge for a local call shall not exceed that permitted by the Commission;
- B. Users of the equipment shall be able to reach the operator without charge and without the use of a coin;
- C. Any intrastate operator services provider employed shall hold certificate of service authority, and have on file with the Commission approved tariffs for the provision of operator services to traffic aggregators;
- D. Users of the equipment shall be able to reach local 911 emergency service, where available, without charge and without using a coin or, if 911 is unavailable, there shall be a prominent display on each instrument of the required procedure to reach local emergency service without charge and without using a coin;

- E. The equipment shall be mounted in accordance with all applicable federal, state, and local laws for disabled and hearing impaired persons;
- F. The equipment shall allow completion of local and long distance calls;
- G. The equipment shall permit access to directory assistance;
- H. There shall be displayed in close proximity to the equipment, in 12 Point Times Bold print, the name, address, and telephone number of the COCT provider, the procedures for reporting service difficulties, the method of obtaining customer refunds, and the method of obtaining long distance access. If applicable, the notice shall state that only one-way calling is permitted. If an alternative operator services (AOS) provider is employed, the COCT provider shall display such notice as is required by the Commission;
- I. The equipment shall be registered under Part 68 of the Rules of the Federal Communications Commission's registration program; and
- J. The equipment shall not block access to any local or interexchange telecommunications carrier.

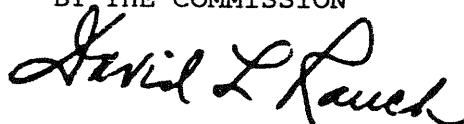
The Commission determines that, unless otherwise ordered by the Commission, Applicant should remain subject to the provisions of Section 392.390(1) and (3), RSMo 1994, which provide for the filing of annual reports and such information as necessary to determine the jurisdictional nature of the services provided and Section 386.370, RSMo 1994, which provides for the assessment of public utilities. The Commission also determines that Applicant shall provide a complete list of his service locations if such information is

requested by the Staff of the Commission. Furthermore, Applicant shall notify the Commission if he ceases to provide COCT telecommunications services in the State of Missouri, or if the address or phone number of his principal place of business changes.

**IT IS THEREFORE ORDERED:**

1. That Jay Noel d/b/a Allied Phone Service is hereby granted a certificate of service authority to provide private pay telephone service in the State of Missouri via customer owned coin operated telephone equipment.
2. That the certificate of service authority granted in Ordered Paragraph 1 is subject to the conditions of certification set forth herein.
3. That this order shall become effective on August 27, 1996.

BY THE COMMISSION



David L. Rauch  
Executive Secretary

(S E A L)

Zobrist, Chm., Crumpton,  
and Drainer, CC., Concur.  
McClure and Kincheloe, CC., Absent.

ALJ: Grothoff

RECEIVED<sup>3</sup>

OCT 14 2008

Records  
Public Service Commission

Please Cancel the Certificate  
of Authority as provided in  
Case No. TA-97-32.

Thanks!

Jay Noel 10-9-08  
Jay Noel