

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
January 20, 2000**

CASE NO: TA-2000-367

Office of the Public Counsel
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General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

John Jay Rosacker
4118 Woodbury St. N.
Topeka, KS 66606

Enclosed find certified copy of an ORDER in the above-numbered case(s).

Sincerely,

A handwritten signature in black ink that reads "Dale Hardy Roberts". The signature is written in a cursive, slightly slanted style.

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of)	
John Jay Rosacker for Certificate of)	
Service Authority to Provide Private Pay)	<u>Case No. TA-2000-367</u>
Telephone Service Within the State of)	
Missouri.)	

ORDER GRANTING CERTIFICATE OF SERVICE AUTHORITY
TO PROVIDE PRIVATE PAYPHONE SERVICES

John Jay Rosacker (Rosacker) filed an application on December 13, 1999, with the Missouri Public Service Commission pursuant to Section 392.440, RSMo 1994, for a certificate of service authority to provide private pay telephone service in Missouri via customer-owned pay telephone (COCT) equipment. Rosacker is an individual with his principal office located at 4118 Woodbury Ct. N., Topeka, Kansas 66606.

The Commission issued a Notice of Applications for Authority to Provide Pay Phone Service on December 23, 1999, which set an intervention deadline of January 7, 2000. No applications to intervene were filed. The requirement for a hearing is met when the opportunity for hearing has been provided and no proper party has requested the opportunity to present evidence. State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission, 776 S.W.2d 494, 496 (Mo. App. 1989). Since no one has asked permission to intervene or requested a hearing, the Commission may grant the relief requested based upon the verified application.

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The Commission finds that competition in the private pay telephone service market is in the public interest and that Rosacker should be granted a certificate of service authority. The provision of private pay telephone service is classified as competitive and subject to minimum regulation pursuant to Section 392.520. That section specifically exempts COCT providers from the tariff filing requirements of Sections 392.220, RSMo Supp. 1998, 392.230, 392.370.4, 392.370.5, and 392.500. Rosacker shall notify the Commission if he ceases to provide private pay telephone services in Missouri, or if the address or phone number of his principal place of business changes. The Commission finds that Rosacker's service shall be provided in accordance with the following requirements:

- A. The equipment shall provide users access to the following without charge and without the use of a coin: (i) dial tone; (ii) an operator; and (iii) local 911 or E-911 emergency service, or, where unavailable, prominently displayed instructions on how to reach local emergency service;
- B. The equipment shall be mounted in accordance with all applicable federal, state, and local laws for the disabled, and shall provide access to telecommunications relay service calls for the hearing disabled at no charge to the caller;
- C. The equipment shall allow completion of local and long distance calls;
- D. The equipment shall permit access to directory assistance;
- E. 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; and

- F. The equipment shall not block access to any local or interexchange telecommunications carrier.

IT IS THEREFORE ORDERED:

1. That John Jay Rosacker is granted a certificate of service authority to provide private pay telephone service in the State of Missouri via customer-owned pay telephone equipment, subject to the requirements of certification set out in this order.
2. That this order shall become effective on February 1, 2000.
3. That this case may be closed on February 2, 2000.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Keith Thornburg, Regulatory Law
Judge, by delegation of
authority pursuant to 4 CSR
240-2.120(1) (November 30, 1995)
and Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,
on this 20th day of January, 2000.

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

I have compared the preceding copy with the original on file in this office and

I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,
Missouri, this 20TH day of January 2000.

Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

