

# STATE OF MISSOURI

## PUBLIC SERVICE COMMISSION

|                                              |   |                              |
|----------------------------------------------|---|------------------------------|
| In the Matter of the Application of Robidoux | ) |                              |
| Ringtone, LLC for Certificate of Service     | ) | <b>File No. PA-2013-0474</b> |
| Authority to Provide Private Pay Telephone   | ) |                              |
| Service within the State of Missouri         | ) |                              |

### **ORDER DENYING APPLICATION TO INTERVENE AND GRANTING A CERTIFICATE OF SERVICE AUTHORITY TO PROVIDE PRIVATE PAYPHONE SERVICES**

Issue Date: June 5, 2013

Effective Date: July 5, 2013

This order denies AT&T Missouri's application to intervene and grants Robidoux Ringtone, LLC, a certificate of service authority to provide private pay telephone service.

Robidoux Ringtone filed an application on April 26, 2013, pursuant to Sections 392.410, 392.440 RSMo 2000 and Section 392.520 RSMo (Supp. 2012), for a certificate of service authority to provide private pay telephone service in Missouri, via customer-owned coin telephone (COCT) equipment. The Commission issued a Notice of Applications for Authority to Provide Payphone Service on May 1, which set an intervention deadline of May 15. AT&T Missouri applied to intervene on May 15. Robidoux Ringtone filed a response opposing the application to intervene on May 23.

Commission Rule 4 CSR 240-2.075(3) provides that the Commission may grant an application to intervene if the applicant demonstrates an interest in the case that is different from that of the general public and which may be adversely affected by a final order arising from this case, or if allowing intervention will serve the public interest. AT&T Missouri asserts an interest in this case because it believes Robidoux Ringtone's application is a sham

intended to create additional complainants to join in an ongoing complaint by other payphone providers against AT&T Missouri.<sup>1</sup> AT&T Missouri has asserted that the complaint fails to meet statutory requirements in that fewer than 25 actual or potential payphone customers have signed the complaint. It is concerned that this and other new applicants for payphone certificates could seek to join the complaint to attain the required number of complainants.

There is nothing in the controlling statutes or Commission rules that would require the Commission to look behind the application for a certificate to try to determine an applicant's motivation for seeking such authority. Certainly, the possibility that an applicant may join in a complaint against AT&T Missouri is not a basis for a finding that granting that applicant a certificate is not in the public interest. In short, the Commission finds that AT&T Missouri has not demonstrated that it might be adversely affected by a final order in this case. Therefore, the Commission will deny the application to intervene.

The Commission finds that competition in the private pay telephone service market is in the public interest and that Robidoux Ringtone 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, 392.230, and 392.500. It also allows the Commission to exempt the applicant from Sections 392.390(1) & (3), and 386.370. Robidoux Ringtone shall notify the Commission if it ceases to provide private pay telephone services in Missouri, or if the address or phone number of its principal place of business changes. The Commission finds that the service Robidoux Ringtone offers shall be provided in accordance with the following requirements:

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<sup>1</sup> That complaint is File No. TC-2005-0067.

- 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.

The Commission reminds the applicant that failure to comply with its regulatory obligations may result in the assessment of penalties against it. These regulatory obligations include, but are not limited to, the following:

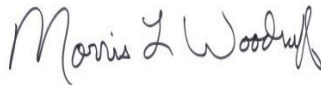
- A) The obligation to pay an annual assessment fee established by the Commission, as required by Section 386.370, RSMo 2000.
- B) The obligation to comply with all relevant laws and regulations, as well as orders issued by the Commission. If the applicant fails to comply, it is subject to penalties for noncompliance ranging from \$100 to \$2,000 per day of noncompliance, pursuant to Section 386.570, RSMo 2000.
- C) The obligation to keep the Commission informed of its current address and telephone number.

In addition, the applicant is reminded that Section 392.410.5, RSMo Supp. 2012, renders the applicant's certificate of service authority null and void one year from the date of this order unless it has exercised its authority under that certificate.

**THE COMMISSION ORDERS THAT:**

1. AT&T Missouri's application to intervene is denied.
2. Robidoux Ringtone, LLC, 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.
3. The certification granted herein is conditioned upon the applicant's compliance with the regulatory obligations in this order.
4. This order shall become effective on July 5, 2013.
5. This case shall be closed on July 6, 2013.

**BY THE COMMISSION**



**Morris L. Woodruff**  
**Secretary**

(S E A L)

Morris L. Woodruff, Chief Regulatory  
Law Judge, by delegation of authority  
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 6<sup>th</sup> day of June, 2013.