

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of TON Services Inc.)
for Certificate of Service Authority to Provide Private)
Pay Telephone Service within the State of Missouri) **Case No. PA-2005-0349**

ORDER GRANTING CERTIFICATE OF SERVICE AUTHORITY
TO PROVIDE PRIVATE PAYPHONE SERVICES

This order grants TON Services Inc. a certificate of service authority to provide private pay telephone service.

TON Services filed an application on April 1, 2005, pursuant to Section 392.440, RSMo 2000,¹ for a certificate of service authority to provide private pay telephone service in Missouri, via customer-owned coin telephone (COCT) equipment. TON Services is a corporation with its principal office located at 4185 Harrison Blvd, Suite 301, Ogden, Utah 84403.

The Commission issued a Notice of Applications for Authority to Provide Payphone Service on April 7, which set an intervention deadline of April 22. No applications to intervene were filed.

The Commission finds that competition in the private pay telephone service market is in the public interest and that TON Services should be granted a certificate of service

¹ All statutory references are to the Revised Statutes of Missouri (RSMo), revision of 2000, unless otherwise indicated.

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, 392.370.4, 392.370.5, and 392.500. TON Services 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 TON Services offers 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.

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. 2004, 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.

IT IS THEREFORE ORDERED:

1. That TON Services Inc. 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 the certification granted herein is conditioned upon the applicant's compliance with the regulatory obligations in this order.

3. That this order shall become effective on May 5, 2005.

4. That this case may be closed on May 6, 2005.

BY THE COMMISSION

**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

(S E A L)

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

Dated at Jefferson City, Missouri,
on this 25th day of April, 2005.