

# BEFORE THE PUBLIC SERVICE COMMISSION

## OF THE STATE OF MISSOURI

In the Matter of the Application of Sterling )  
Payphones, LLC for Certificate of Service )  
Authority to Provide Private Pay Telephone ) **Case No. PA-2008-0152**  
Service within the State of Missouri )

### **ORDER GRANTING CERTIFICATE OF SERVICE AUTHORITY** **TO PROVIDE PRIVATE PAYPHONE SERVICES**

Issue Date: December 3, 2007

Effective Date: December 3, 2007

This order grants Sterling Payphones, LLC ("Sterling") a certificate of service authority to provide private pay telephone service.

On November 13, 2007, pursuant to Section 392.440, RSMo 2000,<sup>1</sup> Sterling filed an application with the Missouri Public Service Commission for a certificate of service authority to provide private pay telephone service in Missouri, via customer-owned coin telephone (COCT) equipment. Sterling is a Delaware limited liability company with its principal place of business located at 200 Public Square #700, Cleveland, Ohio 44114, and has a certificate issued by the Missouri Secretary of State authorizing it to do business in Missouri as a foreign limited liability company.

The Commission issued a Notice of Applications for Authority to Provide Payphone Service on November 13, 2007, which set an intervention deadline of November 28, 2007. No applications to intervene were filed.

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<sup>1</sup> Unless indicated otherwise, all statutory references are to RSMo. 2000.

The Commission finds that competition in the private pay telephone service market is in the public interest and Sterling shall 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, 392.370.4, 392.370.5, and 392.500. Sterling shall promptly 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 Sterling'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.

The Commission reminds the company 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.

B) The obligation to comply with all relevant laws and regulations, as well as orders issued by the Commission. If the company fails to comply, it is subject to penalties for noncompliance ranging from \$100 to \$2,000 per day of noncompliance for each offense, pursuant to Section 386.570.

C) The obligation to keep the Commission informed of its current address and telephone number.

Furthermore, the company is reminded that non-attorneys may not represent the company before the Commission except as otherwise authorized by the Commission's rules. Instead, the company must be represented by an attorney licensed to practice law in Missouri. The company is also reminded that Section 392.410.5, RSMo Cum. Supp. 2005, renders the company'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 ORDERED THAT:**

1. Sterling Payphones, LLC is granted a certificate of service authority to provide private pay telephone service in the state of Missouri via customer-owned coin telephone equipment, subject to the requirements of certification set out in this order.

2. The certification granted herein is conditioned upon the company's compliance with the regulatory obligations in this order.

3. This order shall become effective on December 3, 2007.
4. This case may be closed on December 4, 2007.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale  
Secretary

( S E A L )

Benjamin H. Lane, Regulatory  
Law Judge, by delegation of authority  
under Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 3rd day of December, 2007.