

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the matter of the application of Daniel A. Human)
d/b/a Memphis Best Restaurants for certificate of)
service authority to provide private pay telephone)
service within the State of Missouri.)

CASE NO. TA-92-183

APPEARANCES: Ronald U. Lurie, Attorney at Law, Husch & Eppenberger,
100 N. Broadway, Suite 1300, St. Louis, Missouri 63102

HEARING

EXAMINER: Mark A. Grothoff

REPORT AND ORDER

On February 3, 1992, Daniel A. Human d/b/a Memphis Best Restaurants (Applicant) filed a verified application seeking a certificate of service authority to provide private pay telephone service in the State of Missouri.

On February 11, 1992, the Commission issued an Order and Notice directing its Executive Secretary to send notice of the application. The Commission stated that in the event no proper party filed an application to intervene or motion for hearing alleging that the granting of the application is not in the public interest, the Commission would grant the certificate of service authority on the basis of the verified application. No application to intervene nor motion for hearing was filed.

On April 2, 1992, the Staff of the Commission (Staff) filed Memorandum recommending approval of the application.

Findings of Fact

The Missouri Public Service Commission, having considered all of the competent and substantial evidence upon the whole record, makes the following findings of fact.

Applicant requests authority to provide private pay telephone service throughout the State of Missouri via customer owned coin telephone (COCT) equipment.

Applicant is a Missouri corporation with its principal office or place of business located at 8071 Manchester Road, Brentwood, Missouri 63117.

Since no party has requested a hearing or filed an application to intervene, the Commission finds that the granting of the application is in the public interest and should be approved.

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 a certificate of service authority from, and have on file with, this 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 one-way calling only is permitted. If an alternative operator services (AOS) provider is employed, the COCT provider shall display such notice as is required by this 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 Supp. 1991, 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 Supp. 1991, which provides for the assessment of public utilities.

The Commission determines that should Applicant establish additional locations where it will offer COCT telecommunications services, it shall notify the Commission of these additional locations within 30 days of their installation. Applicant also shall notify the Commission if it ceases to provide COCT telecommunications services in the State of Missouri.

Staff has discussed the issue of operator services with Applicant. Applicant has advised Staff that it will be using Southwestern Bell Telephone Company operator services. Applicant has agreed to notify Staff of any changes regarding provision of operator services at any location. With such notification, Applicant shall provide the Commission the name and full address of such operator services provider as well as the telephone number of the business office where the management of such provider can be reached.

Conclusions of Law

The Missouri Public Service Commission has arrived at the following conclusions of law.

Applicant proposes to provide service to the public as a public utility subject to the Commission's jurisdiction pursuant to Chapters 386 and 392, RSMo 1986, as amended.

The application is filed pursuant to Section 392.440, RSMo Supp. 1991, providing 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 such application upon a showing by 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 when all those having a desire to be heard are offered such an opportunity.

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.

IT IS THEREFORE ORDERED:

1. That Daniel A. Human d/b/a Memphis Best Restaurants 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 Report and Order shall become effective on April 20,
1992.

BY THE COMMISSION

Brent Stewart

Brent Stewart
Executive Secretary

(S E A L)

McClure, Chm., Mueller, Rauch,
Perkins and Kincheloe, CC., Concur.

Dated at Jefferson City, Missouri,
on this 10th day of April, 1992.