

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 30th
day of December, 1994.

In the matter of the application of)
Ed Balben for certificate of service)
authority to provide private pay)
telephone service within the State of)
Missouri.)

CASE NO. TA-95-43

ORDER GRANTING CERTIFICATE

On August 12, 1994, Ed Balben (Applicant) filed a verified application seeking a certificate of service authority to provide private pay telephone service in the State of Missouri via customer owned telephone (COCT) equipment. Applicant is an individual authorized to do business in the State of Missouri with his principal office or place of business located at 926 N.E. 87th Terrace, Kansas City, Missouri 64155.

On August 23, 1994, the Commission issued an Order and Notice directing its Records Department to send notice of the application. The Commission stated that if no one filed an application to intervene or motion for hearing, Applicant would be allowed to submit evidence in support of the application by verified statement. No application to intervene nor motion for hearing was filed. On December 19, 1994, the Staff of the Commission (Staff) filed a memorandum recommending approval of the application.

The application was filed pursuant to Section 392.440, RSMo Supp. 1993, which provides 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 an application for such a certificate upon a showing by the 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 as all those having a desire to be heard have been offered such an opportunity. *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission, 776 S.W.2d 494, 496 (Mo. App. 1989).*

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.

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, and have on file with the 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 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;
- 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 a caller's interexchange telecommunications company of choice by the use of alternative dialing methods such as 800, 950, and 10XXX-0+.

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. 1993, 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. 1993, which provides for the assessment of public utilities.

The Commission determines that should Applicant establish additional locations where he will offer COCT telecommunications services, he shall notify the Commission of these additional locations within 30 days of their installation. Applicant also shall notify the Commission if he 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 he will be using the operator services of Sprint and Southwestern Bell Telephone Company. Applicant has agreed to notify Staff of any changes regarding provision of operator services at any location. With such notification, Applicant shall provide 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.

IT IS THEREFORE ORDERED:

1. That Ed Balben 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 order shall become effective on January 10, 1995.

BY THE COMMISSION



David L. Rauch
Executive Secretary

(S E A L)

McClure, Perkins, Kincheloe
and Crumpton, CC., Concur.
Mueller, Chm., Absent.