

In the matter of the application of Keith L. Hupp, d/b/a)
KLH, Co., for certificate of service authority to provide) Case No. TA-90-123
private pay telephone service within the state of Missouri.)
)

HEARING
EXAMINER: Cecil I. Wright.

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

Applicant is an individual doing business under a fictitious name, authorized to do business in the state of Missouri, with his principal office or place of business located at 9314 Mercier, Kansas City, Missouri 64114.

Since no party, including the Staff or the Public Counsel, has requested a hearing or opposed the application on the ground that the application is not in the public interest, 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.
- 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), R.S.Mo. (Cum. Supp. 1989), 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, R.S.Mo. (Cum. Supp. 1989), which provides for the assessment of public utilities.

The Commission determines that should Applicant, in the future, 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. The Applicant shall also 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 AT&T operator services at this location. Applicant has agreed to notify Staff of any changes regarding provision of operator services at this or any additional locations. 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, R.S.Mo. (Cum. Supp. 1989).

This application is filed pursuant to Section 392.440, R.S.Mo. (Cum. Supp. 1989), 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 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 when all those having a desire to be heard are offered such an opportunity.

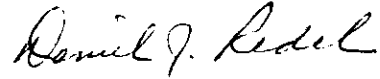
Given the policy mandate of Chapter 392 that COCT providers be afforded the minimum regulation permitted by the Chapter, the Commission concludes that the showing of public interest required by Section 392.440 is met by this verified application for a certificate to provide COCT service. Therefore, the Commission has found that the approval of this application is in the public interest and a certificate of service authority should be granted.

It is, therefore,

ORDERED: 1. That Keith L. Hupp, doing business as KLH, Co., is hereby granted certificate of service authority to provide private pay telephone service in the state of Missouri via customer owned coin operated telephone equipment. This certificate of service authority is subject to the conditions of certification set forth herein.

ORDERED: 2. That this Report And Order shall become effective on the 26th day of February, 1990.

BY THE COMMISSION



Daniel J. Redel
Acting Secretary

(S E A L)

Steinmeier, Chm., Mueller, Rauch,
McClure and Letsch, CC., Concur.

Dated at Jefferson City, Missouri,
on this 16th day of February, 1990.