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**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of the Application of )  
James Fennelly for Certificate of )  
Service Authority to Provide Private )  
Pay Telephone Service within the )  
State of Missouri. )

Case No. TA-99-90

**ORDER GRANTING CERTIFICATE OF SERVICE AUTHORITY TO  
PROVIDE PRIVATE PAY PHONE SERVICES**

James B. Fennelly (Applicant) filed an application on September 2, 1998, with the Missouri Public Service Commission pursuant to Section 392.440, RSMo 1994<sup>1</sup> for a certificate of service authority to provide private pay telephone service in Missouri, via customer-owned pay telephone (COCT) equipment. Applicant is an individual with his principal office located at 118 NE 90th Terr., Kansas City, MO 64155.

The Commission issued an Order and Notice on September 10 which set an intervention deadline of September 25. No applications to intervene were filed. The requirement for a hearing is met when the opportunity for hearing has been provided and no proper party has requested the opportunity to present evidence. State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission, 776 S.W.2d 494, 496 (Mo. App. 1989). Since no one has asked permission to intervene or requested a hearing, the Commission may grant the relief requested based upon the verified application.

The Commission finds that competition in the private pay telephone service market is in the public interest and that Applicant should be granted

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<sup>1</sup> All statutory references are to the Revised Statutes of Missouri 1994 unless otherwise indicated.

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, RSMo Supp. 1997, 392.230, 392.370.4, 392.370.5, and 392.500. Applicant shall notify the Commission if he ceases to provide private pay telephone services in the State of Missouri, or if the address or phone number of his principal place of business changes. The Commission finds that Applicant'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.

**IT IS THEREFORE ORDERED:**

1. That James B. Fennelly 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 this order shall become effective on October 13, 1998.
3. That this case may be closed on October 14, 1998.

**BY THE COMMISSION**



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

(S E A L)

Morris L. Woodruff, Regulatory Law Judge,  
by delegation of authority pursuant to  
4 CSR 240-2.120 (November 30, 1995)  
and Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri  
on this 1st day of October, 1998.

**R E C E I V E D**

**OCT 02 1998**

**COMMISSION COUNSEL  
PUBLIC SERVICE COMMISSION**