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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 18th
day of July, 1997.

In the Matter of the Application of)
Kevin P. O'Brien for a Certificate)
of Service Authority to Provide Private)
Pay Telephone Service Within the)
State of Missouri.)

CASE NO. TA-97-532

ORDER GRANTING CERTIFICATE

On June 12, 1997, Kevin P. O'Brien (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 coin telephone (COCT) equipment. Applicant is an individual with his principal office or place of business located at 3941 A. Main Street, Kansas City, Missouri 64124.

On June 19 the Commission issued an Order and Notice, which set an intervention deadline of July 7. The Commission stated that if no one filed an application to intervene or motion for hearing, Applicant would be granted a certificate of service authority. No application to intervene nor motion for hearing was filed.

The application was filed pursuant to Section 392.440, RSMo 1994,¹ 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

¹All Statutory references are to the Revised Statutes of Missouri, 1994, or to the 1996 Supplement.

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 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 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), 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, which provides for the assessment of public utilities. The Commission also determines that Applicant shall provide a complete list of his service locations if such information is requested by the

Staff of the Commission. Furthermore, Applicant shall notify the Commission if he ceases to provide COCT telecommunications services in the State of Missouri, or if the address or phone number of his principal place of business changes.

IT IS THEREFORE ORDERED:

1. That Kevin P. O'Brien 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 July 29, 1997.

BY THE COMMISSION

A handwritten signature in dark ink, appearing to read "Cecil I. Wright", with a stylized, flowing script.

**Cecil I. Wright
Executive Secretary**

(S E A L)

Zobrist, Chm., Crumpton, Drainer,
Murray, and Lumpe, CC., Concur.

ALJ: George