

M E M O R A N D U M

TO: Missouri Public Service Commission Official Case File

Case No. TA-94-273 American Payphone Systems

Case No. TA-97-456 Brother's

Case No. TA-93-188 F&L Communications

Case No. TA-97-20 Carmen Goode

Case No. TA-89-209 Dale Featherstone

Case No. TA-88-231 K&S Enterprises, Inc.

Case No. TA-95-242 Terri Lynn McCraney

Case No. TA-94-329 Joseph C. Otzenberger

Case No. TA-96-219 The Phone Guy

Case No. TA-95-307 Leon Timmons

Case No. TA-90-88 Universal Communications, Inc.

FILED

FEB 17 1998

MISSOURI
PUBLIC SERVICE COMMISSION

FROM: Sherri Murphy *SM*
Telecommunications Department *WJ*

Wes Henderson 2-10-98

Penny G Baker 2/17/98

Utility Operations Division/Date General Counsel's Office/Date

SUBJECT: Staff Recommendation to Cancel Certificates of Service
Authority to Provide Private Pay Telephone Service

DATE: February 5, 1998

The purpose of this memorandum is to express the Telecommunications Department Staff's (Staff's) recommendation to cancel the certificates of service authority to provide private pay telephone service previously granted to American Payphone Systems (TA-94-273), Brother's (TA-97-456), F&L Communications (TA-93-188), Carmen Goode (TA-97-20), Dale Featherstone (TA-89-209), K&S Enterprises, Inc. (TA-88-231), Terri Lynn McCraney (TA-95-242), Joseph C. Otzenberger (TA-94-329), The Phone Guy (TA-96-219), Leon Timmons (TA-95-307), and Universal Communications, Inc. (TA-90-88). Although no formal requests have been filed by any of the aforementioned payphone providers, it is Staff's opinion that each has violated the terms and conditions of their certificates of service authority. The Commission's Orders granting certificate of service authority specifically state, "Applicant should remain subject to the provisions ofSection 386.370 RSMo., which provides for the assessment of public utilities."

All of the private payphone providers referred to above have failed to file their 1996 Statement of Revenue. The Staff attempted to call each of the providers at the phone numbers listed on their private pay telephone applications. Most of the phone numbers were either disconnected or had been re-assigned to other customers. The Staff contacted information and was advised that there were no listings for any of them except Carmen Goode and Dale Featherstone. Staff's attempts to contact Ms. Goode and Mr. Featherstone at the numbers provided by information were unsuccessful. Additionally, mail to all of the these payphone providers is being returned as undeliverable.

Therefore, based on the providers' non-compliance with Missouri statutes and the fact that they have failed to update the PSC with their correct addresses and phone numbers, the Staff recommends that the Commission cancel the certificates of service authority that were granted to the aforementioned parties. The Staff believes that no one will object to the cancellation of these certificates of service authority, and that the cancellation will ease the administrative burden of the Commission.

The Commission has the authority to cancel a certificate pursuant to 392.410 RSMo. Which provides:

Any certificate of service authority may be altered or modified by the commission after notice and hearing, upon its own motion or upon application of the person or company affected.

However, the Commission need not hold a hearing if, after proper notice and opportunity to intervene, no party requests such a hearing. State ex rel Rex Defenderfer v. Public Serv. Commission, 776 S.W. 2d 494 (Mo. App. 1989).

copies: **Director - Utility Operations Division**
 Director - Advisory & Public Affairs Division
 Director - Utility Services Division
 General Counsel
 Manager, Telecommunications Department
 Office of the Public Counsel