

LAW OFFICES  
**HAWKINS, BRYDON & SWEARENGEN**  
PROFESSIONAL CORPORATION

ROBERT L. HAWKINS, JR.  
DAVID V. G. BRYDON  
JAMES C. SWEARENGEN  
WILLIAM R. ENGLAND III  
KENNETH R. SATTERLY

312 EAST CAPITOL AVENUE  
P. O. BOX 488  
JEFFERSON CITY, MISSOURI  
65102

AREA CODE 314  
TELEPHONE 635-7166

February 20, 1979

Mr. Lawson Phaby  
Acting Secretary  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, Missouri 65102

Re: Application of Control Center, Inc., Case No. TA-79-66

Dear Mr. Phaby:

Enclosed for filing in the above-referenced matter, please find an original and nine copies of a joint motion of Protestants, Capital City Telephone Company and Central Mobile Phone, Inc.

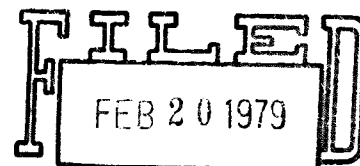
Please see that this motion is brought to the attention of the Commission. I have today sent the attorney for applicant a copy of the above-referenced document and also a copy to the Public Counsel's office.

Sincerely,

*W. R. England III*  
W. R. England, III

WRE/rg  
Enclosures

cc: Mr. George Hartsfield  
Mr. Richard Brownlee, III  
Mr. Charles Fain  
Mr. William Barvick



PUBLIC SERVICE COMMISSION

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

In the Matter of the Application)  
of CONTROL CENTER, INC. for a )  
certificate of convenience and )  
necessity to operate as a non- )  
interconnected paging service. )

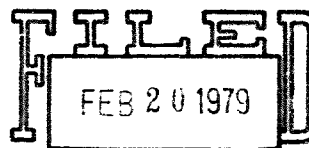
Case No. TA-79-66

M O T I O N

Come now Capital City Telephone Company and Central Mobile Phone, Inc. ("Protestants"), and in response to Control Center, Inc.'s ("Applicant") Motion to Dismiss, moves for an Order of the Missouri Public Service Commission directing Applicant to cease and desist from engaging in the unauthorized provision of paging service, for hire, to the public within the State of Missouri. In support of this Motion, Protestants state as follows:

1. Applicant is currently providing one-way non-interconnected radio paging service to approximately 145 customers under a Part 95 license issued by the Federal Communications System (Tr. 28 and 82). Applicant's principal place of business is 227 East Capitol Avenue, Jefferson City, Missouri, and it presently conducts its business in the Jefferson City, Missouri area. Membership in Applicant's organization, the Mid-Missouri Emergency Association, is unlimited, and "anyone" who desires a pager and comes into Applicant's office and completes an application, is taken on as a customer (Tr. 35 and 86). Applicant charges its members a fee of \$20.00 per month for the paging service (Tr. 35). Applicant is of the opinion that for the time he has been in the paging business, it has shown a profit (Tr. 185).

2. The Commission's Report and Order in Case No. TO-77-80 re-affirmed the Commission's intention to assert jurisdiction over radio common carriers providing one-way radio paging, whether tone plus voice, or tone only. More specifically, in the ORDERED section



of that Report and Order, the Commission directed existing and future radio common carriers who intended to provide one-way paging service as follows:

"That all persons, partnerships, and corporations providing or intending to provide radio paging service with signals originating within the State of Missouri and not presently holding authority from this Commission shall file proper application with this Commission to obtain a certificate of public convenience and necessity before providing such service." (Page 17 of the Report and Order)

Applicant's counsel specifically cited the above-quoted language, and presumably, Applicant's application in this matter was a direct response to that Order (Tr. 14 and 15).

3. Applicant stated for the record that it does not plan on changing the service it currently provides to its members, if it is granted authority as an intrastate radio common carrier. In fact, Applicant specifically stated, ". . . we don't want to change our paging operation. We don't want to change the method that we're using, our range, our tower, our antenna, nothing. We simply want the opportunity to grow with, for the paging service to grow along with, the rest of our business" (Tr. 52 and 53).

4. Applicant recognizes that its paging service is in direct competition with existing regulated paging service currently being provided in the Jefferson City area (Tr. 54). Applicant actively solicits customers and advertises in the local telephone directory (Tr. 68).

WHEREFORE, Protestants respectfully submit that Applicant is:

1) currently engaged in the provision of non-interconnected one-way paging service in the Jefferson City, Missouri area; 2) to the public; 3) for hire; and 4) for gain. Such paging operation is presently unauthorized and in violation of Commission Order TO-77-80. In light of the above, Protestants move the Commission for an Order directing Applicant to cease and desist from engaging in the provision of unauthorized, non-interconnected one-way radio paging service within the State of Missouri, and

for any other Orders that the Commission feels are meet and just in light of the circumstances.

Respectfully submitted,

W. R. England, III  
W. R. England, III  
HAWKINS, BRYDON & SWEARENGEN P. C.  
P. O. Box 456  
Jefferson City, Missouri 65102  
Attorneys for Capital City  
Telephone Company

Richard S. Brownlee III  
Richard S. Brownlee  
HENDREN & ANDRAE  
P. O. Box 1069  
Jefferson City, Missouri 65102  
Attorneys for Central Mobile  
Phone, Inc.

#### CERTIFICATE OF SERVICE

THE UNDERSIGNED certifies that a copy of the foregoing instrument was served upon the attorneys of record of all parties of the above cause by enclosing the same in an envelope addressed to such attorneys at their business addresses as disclosed by the pleadings of record herein with postage fully prepaid, and by depositing said envelopes in the United States mails at Jefferson City

Missouri This 20 day of FEB 1979

W. R. England, III