

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

In the Matter of the Cancellation of the)
Certificate of Service Authority of) Case No. PD-2009-
Milford Jones, Sr.)

MOTION TO CANCEL CERTIFICATE OF SERVICE AUTHORITY

COMES NOW the Staff of the Missouri Public Service Commission (Staff), through Counsel, and moves for the Missouri Public Service Commission (Commission) to cancel Milford Jones, Sr.'s (Mr. Jones) certificate of service authority to provide private pay telephone service in the State of Missouri via customer owned coin operated telephone (COCT) equipment. In support of its Motion, Staff respectfully states the following:

1. On October 18, 1995, the Commission issued its Order in Case No. TA-96-81, which granted Mr. Jones a certificate of service authority to provide private pay telephone service in the State of Missouri via COCT equipment. See Attachment A.
2. Mr. Jones used payphones within his Saint Louis laundry business.
3. On June 25, 2008¹, a 2009 annual assessment notice was sent to Mr. Jones.
4. On June 27, upon paying the fiscal year 2009 assessment, Mr. Jones sent a letter which requested his certificate be cancelled. See Attachment B.
5. Mr. Jones' June 27 letter lacked the filing requirements prescribed by 4 CSR 240-3.560.
6. Counsel for Staff has attempted to contact Mr. Jones for additional information, and was successful on October 8.
7. Mr. Jones stated he removed the payphones from his laundry business prior to sending the June 27 letter, and has retained the equipment in storage.

8. Mr. Jones owes no annual assessments to the Commission.

9. Pursuant to 4 CSR 240-3.505(1)(B), COCT providers are exempt from the Section 392.390 (1) RSMo (2000) requirement to file annual reports.

10. As Mr. Jones has requested cancellation of his certificate and is not providing services in Missouri, the Staff recommends the Commission issue an order canceling his certificate.

11. The Commission has the authority to cancel a telecommunications certificate pursuant to Section 392.410.5 RSMo (Supp. 2007), which provides “[a]ny 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.”

12. 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 Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494 (1989).

WHEREFORE, the Staff respectfully recommends the Commission cancel the certificate of service authority of Milford Jones, Sr., to provide private pay telephone service in the State of Missouri via customer owned coin operated telephone equipment.

¹ All dates refer to the calendar year 2008, unless otherwise noted.

Respectfully submitted,

/s/ Jennifer Hernandez

Jennifer Hernandez

Legal Counsel

Missouri Bar No. 59814

Attorney for the Staff of the
Missouri Public Service Commission

P. O. Box 360

Jefferson City, MO 65102

(573) 751-8706 (Telephone)

(573) 751-9285 (Fax)

jennifer.hernandez@psc.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was mailed, first-class postage prepaid, to all parties to this cause on this 9th day of October, 2008.

/s/ Jennifer Hernandez

Lewis Mills
Office of Public Counsel
200 Madison Street
Jefferson City, MO 65101

Milford Jones, Sr.
410 Silver Maple View
Fenton MO 63026
(via certified mail)

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY**

OCTOBER 18, 1995

CASE NO: TA-96-81

Milford Jones, Sr., 410 Silver Maple View, Fenton, MO 63026-4735

Enclosed find certified copy of ORDER in the above-numbered case(s).

Sincerely,



**David L. Rauch
Executive Secretary**

Uncertified Copy:

Office of the Public Counsel, P.O. Box 7800, Jefferson City, MO 65102

Attachment A

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 October, 1995.

In the matter of the application of)
Milford Jones, Sr. for certificate of)
service authority to provide private pay)
telephone service within the State of)
Missouri.)

CASE NO. TA-96-81

ORDER GRANTING CERTIFICATE

On September 18, 1995, Milford Jones, Sr. (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 telephone (COCT) equipment. Applicant is an individual authorized to do business in the State of Missouri with his principal office or place of business located at 410 Silver Maple View, Fenton, Missouri 63026-4735.

On September 21, 1995, the Commission issued an Order and Notice directing its Records Department to send notice of the application. 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, 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 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 a 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 a caller's interexchange telecommunications company of choice by the use of alternative dialing methods such as 800, 950, and 10XXX-0+.

The Commission determines that unless otherwise ordered by the Commission, Applicant should remain subject to the provisions of Section 392.390(1) and (3), RSMo 1994, 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, RSMo 1994, which provides for the assessment of public utilities.

The Commission determines that should Applicant 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. Applicant also shall notify the Commission if he ceases to provide COCT telecommunications services in the State of Missouri.

Applicant has indicated that he will be utilizing the operator services of Opticom. Applicant shall notify the Commission of any changes regarding provision of operator services at any location. With such notification, Applicant shall provide 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.

IT IS THEREFORE ORDERED:

1. That Milford Jones, Sr. 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 October 31, 1995.

BY THE COMMISSION

David L. Rauch

David L. Rauch
Executive Secretary

(S E A L)

Mueller, Chm., Crumpton
and Drainer, CC., Concur.
McClure and Kincheloe, CC., Absent.

Bednoff/Findley

CASE NO. TA-96-81

AW
Chairman

absent
Commissioner

JK - absent
Commissioner

(Signature)
Commissioner

(Signature)
Commissioner

3-D, AS

3-1384c

PUBLIC SERVICE COMMISSION

ON AGENDA 10/18

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 18 day of OCTOBER, 1995.

David L. Rauch

David L. Rauch
Executive Secretary

6/27/08

Allen Powers

Please Cancel Certificate
Thank You
M. J. Green

RECEIVED

JUN 28 2008

BUDGET & FISCAL SVCS
MO. P.S.C.

Attachment B



Commissioners

JEFF DAVIS
Chairman

CONNIE MURRAY

ROBERT M. CLAYTON III

TERRY JARRETT

KEVIN GUNN

Missouri Public Service Commission

POST OFFICE BOX 360
JEFFERSON CITY MISSOURI 65102
573-751-3234
573-751-1847 (Fax Number)
<http://www.psc.mo.gov>

WESS A. HENDERSON
Executive Director

DANA K. JOYCE
Director, Administration and
Regulatory Policy

ROBERT SCHALLENBERG
Director, Utility Services

NATELLE DIETRICH
Director, Utility Operations

COLLEEN M. DALE
Secretary/Chief Regulatory Law Judge

KEVIN A. THOMPSON
General Counsel

June 25, 2008

Milford Jones, Sr.
410 Silver Maple View
Fenton, MO 63026-4735

Subject: Missouri Public Service Commission Annual Assessment

Dear Mr. Jones:

Pursuant to the provisions of Section 386.370 RSMo Supp 2007, Milford Jones, Sr. is subject to assessment as a public utility for expenses of the Missouri Public Service Commission. On June 24, 2008 the Commission determined the amount of the assessment in Case No. AO-2008-0395. Please visit our website at www.psc.mo.gov to view information regarding the annual assessment. The total amount of assessment for the fiscal year beginning July 1, 2008 is \$1.04 (TELEPHONE).

In making payment, please observe the following instructions:

1. Make check payable to: Director of Revenue, State of Missouri
Mail check to: Missouri Public Service Commission
Attn: Budget & Fiscal Services
P.O. Box 360
Jefferson City, MO 65102
2. July 15, 2008 is the due date for this assessment. At your option, you may pay the assessment in quarterly installments. If you choose quarterly installments, they are due on the following dates:

July 15, 2008	October 15, 2008
January 15, 2009	April 15, 2009
3. No further assessment notice will be furnished. If you choose to make quarterly installments, it is your responsibility to make the payments no later than the due date shown above.

Sincerely,

Wess Henderson
Executive Director

