

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of Empire)	
Payphones, Inc., for Certificate of Service)	<u>Case No. PA-2006-0355</u>
Authority to Provide Private Pay Telephone)	
Service Within the State of Missouri.)	

ORDER GRANTING CERTIFICATE OF SERVICE AUTHORITY
TO PROVIDE PRIVATE PAYPHONE SERVICES

Issue Date: May 11, 2006

Effective Date: May 21, 2006

This order grants Empire Payphones, Inc., a certificate of service authority to provide private pay telephone service.

Empire Payphones filed an application on March 15, 2006, with the Missouri Public Service Commission pursuant to Section 392.440, RSMo 2000,¹ for a certificate of service authority to provide private pay telephone service in Missouri, via customer-owned coin telephone (COCT) equipment. Empire Payphones is New York corporation with its principal office located at 44 Wall Street, 6th Floor, New York, New York 10005.

On March 17, 2006, the Commission issued a Notice of Deficiency, noting that Empire Payphones identifies itself as a corporation but the application is not signed by a member of the Missouri Bar. On April 13, 2006, Empire Payphones filed an amended application correcting this deficiency.

¹ All statutory references are to the Revised Statutes of Missouri (RSMo), revision of 2000, unless otherwise indicated.

The Commission issued a Notice of Applications for Authority to Provide Payphone Service on April 13, 2006, which set an intervention deadline of April 28, 2006. No applications to intervene were filed.

The Commission finds that competition in the private pay telephone service market is in the public interest and that Empire Payphones shall be granted 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, 392.230, 392.370.4, 392.370.5, and 392.500. Empire Payphones shall notify the Commission if it ceases to provide private pay telephone services in Missouri, or if the address or phone number of its principal place of business changes. The Commission finds that Empire Payphones' 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.

The Commission reminds Empire Payphones that failure to comply with its regulatory obligations may result in the assessment of penalties against it. These regulatory obligations include, but are not limited to, the following:

- A) The obligation to pay an annual assessment fee established by the Commission, as required by Section 386.370, RSMo 2000.

- B) The obligation to comply with all relevant laws and regulations, as well as orders issued by the Commission. If Empire Payphones fails to comply, it is subject to penalties for noncompliance ranging from \$100 to \$2,000 per day of noncompliance, pursuant to Section 386.570, RSMo 2000.

- C) The obligation to keep the Commission informed of its current address and telephone number.

Furthermore, Empire Payphones is reminded that, except as otherwise authorized by the Commission's rules, if it is a corporation, non-attorneys may not represent the company before the Commission. Instead, the corporation must be represented by an attorney licensed to practice law in Missouri.

In addition, the applicant is reminded that Section 392.410.5, RSMo Cum. Supp. 2005, renders the applicant's certificate of service authority null and void one year from the date of this order unless it has exercised its authority under that certificate.

IT IS ORDERED THAT:

1. Empire Payphones, Inc., 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. The certification granted herein is conditioned upon the applicant's compliance with the regulatory obligations in this order.
3. This order shall become effective on May 21, 2006.
4. This case may be closed on May 22, 2006.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

Ronald D. Pridgin, Regulatory Law Judge,
by delegation of authority pursuant
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 11th day of May, 2006.