

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

April 19, 2000

CASE NO: TA-2000-597

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

Sincerely,



Dale Hardy Roberts

Secretary/Chief Regulatory Law Judge

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of Phoenix)
Telecom, L.L.C., for Certificate of Service) Case No. TA-2000-597
Authority to Provide Private Pay Telephone)
Service Within the State of Missouri.)

ORDER GRANTING CERTIFICATE OF SERVICE AUTHORITY
TO PROVIDE PRIVATE PAYPHONE SERVICES

Phoenix Telecom, L.L.C. (Phoenix), filed an application on March 24, 2000, with the Missouri Public Service Commission pursuant to Section 392.440, RSMo 1994, for a certificate of service authority to provide private pay telephone service in Missouri, via customer-owned pay telephone (COCT) equipment. Phoenix is a Georgia limited liability company with its principal office located at 2611 Belt Line Road, Suite 200, Sunnyvale, Texas 75182.

The Commission issued an Notice of Applications for Authority to Provide Pay Phone Service on March 30, 2000, which set an intervention deadline of April 14, 2000. No applications to intervene were filed. The requirement for a hearing is met when the opportunity for hearing has been provided and no proper party has requested the opportunity to present evidence. State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission, 776 S.W.2d 494, 496 (Mo. App. 1989). Since no one has asked permission to intervene or requested a hearing, the Commission may grant the relief requested based upon the application.

The Commission finds that competition in the private pay telephone service market is in the public interest and that Phoenix should 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, RSMo Supp. 1999, 392.230, 392.370.4, 392.370.5, and 392.500. Phoenix 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 Phoenix's 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.

IT IS THEREFORE ORDERED:

1. That Phoenix Telecom, L.L.C., 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. That this order shall become effective on May 2, 2000.
3. That this case may be closed on May 3, 2000.

BY THE COMMISSION



**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

(S E A L)

Nancy Dippell, Senior Regulatory
Law Judge, by delegation of
authority pursuant to 4 CSR
240-2.120(1) (November 30, 1995)
and Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,
on this 19th day of April, 2000.

**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 19th day of April 2000.



A handwritten signature in dark ink, reading "Dale Hardy Roberts". The signature is written in a cursive style with a horizontal line underneath.

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge