

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the matter of the application of Best Serve, Inc.)
d/b/a Best Serve of Kansas, Inc. and Cell Block)
Phones for authority to operate as a provider of)
private pay telephone service within the State of)
Missouri.)

CASE NO. TA-90-333

APPEARANCES: Jeremiah D. Finnegan, Attorney at Law, 300 Westport City Hall
Building, 4049 Pennsylvania, Kansas City, Missouri 64111 for
Best Service, Inc., d/b/a Best Serve of Kansas, Inc. and
Cell Block Phones.

HEARING

EXAMINER: Linda C. James

REPORT AND ORDER

On June 4, 1990, Best Serve, Inc., d/b/a Best Serve of Kansas, Inc. and Cell Block Phones (Applicant) filed its application. On June 28, 1990, Best Serve, Inc., d/b/a Best Serve of Kansas, Inc. and Cell Block Phones (Applicant), filed its amended verified application seeking a certificate of service authority to provide private pay telephone service in the State of Missouri.

The Commission issued its Order and Notice on June 13, 1990, directing its Secretary to send notice of this application. The Commission stated that in the event no proper party filed a request for hearing alleging that the granting of the application is not in the public interest, the Commission would grant the certificate of service authority requested herein on the basis of the verified application. No application to intervene or motions to schedule a hearing were filed.

On September 4, 1990, the Commission's Staff filed its Memorandum herein recommending approval of the application.

Findings of Fact

The Missouri Public Service Commission, having considered all of the competent and substantial evidence upon the whole record, makes the following findings of fact.

Applicant requests authority to provide private pay telephone service throughout the State of Missouri via customer owned coin telephone (COCT) equipment and/or "smart" payphones which are especially programmed for use in selected segments of the market such as institutional location.

Applicant is a Kansas corporation authorized to do business in the State of Missouri with its principal office or place of business located at 7928 Juniper, Prairie Village, Kansas 66208.

Since no party including the Staff or the Public Counsel has requested a hearing or opposed the application on the ground that the application is not in the public interest, the Commission finds that the granting of the application is in the public interest and should be approved.

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 from, and have on file with, this 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 one-way calling only is permitted. If an alternative operator services (AOS) provider is employed, the COCT provider shall display such notice as is required by this 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 any local or interexchange telecommunications carrier.

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 Supp. 1988, 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 1986, which provides for the assessment of public utilities.

The Commission determines that should Applicant establish in the future additional locations where it will offer COCT telecommunications services, it shall notify the Commission of these additional locations within 30 days of their installation. The Applicant also shall notify the Commission if it ceases to provide COCT telecommunications services in the State of Missouri.

Staff has discussed the issue of operator services with Applicant. Applicant has advised Staff that it will be using AT&T operator services at this location. Applicant has agreed to notify Staff of any changes regarding provision of operator services at this or any additional locations. With such notification, Applicant shall provide the Commission 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.

Best Serve, Inc., d/b/a Best Serve of Kansas, Inc. and Cell Block Phones have indicated that they intend to place payphones called "smart" phones, in various prisons, jails and/or other installations of confinement. For the payphones placed in these institution requirements A through J set out above are waived. The Commission will require that Best Serve, Inc. will provide notice of locations of these phones.

In addition, the Commission will waive the inspection requirements utilized by Commission Staff for these payphones.

Conclusions of Law

The Missouri Public Service Commission has arrived at the following conclusions of law.

Applicant proposes to provide service to the public as a public utility subject to the Commission's jurisdiction pursuant to Chapters 386 and 392, RSMo Supp. 1988.

This application is filed pursuant to Section 392.440, RSMo Supp. 1988, providing 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 such application 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 when all those having a desire to be heard are offered such an opportunity.

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 this verified application for a certificate to provide COCT service. Therefore, the Commission has

found that the approval of this application is in the public interest and a certificate of service authority should be granted.

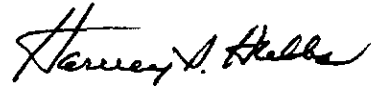
IT IS THEREFORE ORDERED:

1. That Best Serve, Inc., d/b/a Best Serve of Kansas, Inc. and Cell Block Phones is granted hereby a certificate of service authority to provide private pay telephone service in the State of Missouri via customer owned coin operated telephone equipment and use of "smart" phones. This certificate of service authority is subject to the conditions of certification set forth herein except that the conditions are waived for payphones placed in prisons, jails or other institutions of confinement.

2. That this Report and Order shall become effective on the 28th day of September, 1990.

BY THE COMMISSION

(S E A L)



Harvey G. Hubbs
Secretary

Steinmeier, Chm., Mueller, Rauch,
McClure and Letsch-Roderique, CC.,
Concur.

Dated at Jefferson City, Missouri,
on this 18th day of September, 1990.