

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

In the Matter of the Cancellation of the)
Certificate of Service Authority of Craig)
D. Rash)

Case No. PD-2009-

MOTION TO CANCEL CERTIFICATE OF SERVICE AUTHORITY

COMES NOW the Staff of the Missouri Public Service Commission (Staff), through the undersigned counsel, and moves for the Missouri Public Service Commission (Commission) to cancel Craig D. Rash's (Mr. Rash) 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 April 22, 2002, the Commission issued an order in Case No. TA-2002-469, which granted Mr. Rash a certificate of service authority to provide private pay telephone service in the State of Missouri via COCT equipment. See Attachment A.
2. Mr. Rash has failed to file a statement of revenue for fiscal years 2007, 2008, and 2009.
3. Staff has attempted on several occasions to contact Mr. Rash. Postal correspondence has been returned as undeliverable. Staff has left several phone messages using the number provided on his fiscal year 2006 Statement of Revenue, with no return calls received.
4. Mr. Rash owes no annual assessments to the Commission.
5. 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.
6. To the best of Staff's knowledge, information and belief, Mr. Rash is no longer providing private pay telephone service in Missouri.

7. The Commission has the authority to cancel a telecommunications certificate pursuant to Section 392.410.5 RSMo (Supp. 2008), 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.”
8. 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 Craig D. Rash to provide private pay telephone service in the State of Missouri via customer-owned coin operated telephone equipment.

Respectfully submitted,

/s/ Jennifer Hernandez

Jennifer Hernandez

Legal Counsel

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on Craig D. Rash, 4600 Chippewa, Saint Louis, MO 63116, via certified First Class United States Mail, postage prepaid; and The Office of Public Counsel of the State of Missouri, via electronic mail at opcservice@ded.mo.gov this 22nd day of June, 2009.

/s/ Jennifer Hernandez

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of)	
Craig D. Rash for Certificate of Service)	<u>Case No. TA-2002-469</u>
Authority to Provide Private Pay Telephone)	
Service within the State of Missouri)	

ORDER GRANTING CERTIFICATE OF SERVICE AUTHORITY TO PROVIDE PRIVATE PAYPHONE SERVICES

Craig D. Rash filed an application on April 2, 2002, with the Missouri Public Service Commission under 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 equipment. Rash is an individual with his principal office located at 4129 Oleatha, Saint Louis, MO 63116.

The Commission issued a Notice of Applications for Authority to Provide Pay Phone Service on April 4, 2002, which set an intervention deadline of April 19, 2002. No applications to intervene were filed. The *Deffenderfer* case held that 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.^[2] 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 Rash should be granted a certificate of service authority. The provision of private pay telephone service is classified as competitive and subject to minimum regulation under 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. Rash must notify the Commission if he ceases to provide private pay telephone services in Missouri, or if the address or phone number of his principal place of business changes. The Commission finds that Rash's service must be provided in accordance with the following

Attachment A

requirements:

- A. The equipment must 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 must be mounted in accordance with all applicable federal, state, and local laws for the disabled, and must provide access to telecommunications relay service calls for the hearing disabled at no charge to the caller;
- C. The equipment must allow completion of local and long distance calls;
- D. The equipment must permit access to directory assistance;
- E. There must 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 must state that only one-way calling is permitted. If an alternative operator services provider is employed, the COCT provider must display such notice as is required by the Commission; and
- F. The equipment must not block access to any local or interexchange telecommunications carrier.

IT IS THEREFORE ORDERED:

1. That Craig D. Rash 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 will become effective on May 2, 2002.
3. That this case may be closed on May 3, 2002.

BY THE COMMISSION

Dale Hardy Roberts
Secretary/Chief Law Judge

(S E A L)

Bill Hopkins, Senior Law Judge,
by delegation of authority under

Section 386.240, RSMo 2000,
as currently supplemented.

Dated at Jefferson City, Missouri,
on this 22nd day of April, 2002.

[1] All references herein to Sections of the Revised Statutes of Missouri (RSMo), unless otherwise specified, are to the revision of 2000, as currently supplemented.

[2] *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494, 496 (Mo. App. 1989).