

BL

# BEFORE THE PUBLIC SERVICE COMMISSION

## OF THE STATE OF MISSOURI

In the Matter of the Application of )	
Eagle Communications Group, Inc. for )	
a Certificate of Authority to Provide )	Case No. TA-99-573
Interexchange Telecommunications )	Tariff No. 9900899
Services and Private Pay Telephone )	
Service within the State of Missouri. )	

### ORDER APPROVING INTEREXCHANGE CERTIFICATE OF SERVICE AUTHORITY, CERTIFICATE OF SERVICE AUTHORITY TO PROVIDE PRIVATE PAYPHONE SERVICES, AND ORDER APPROVING TARIFF

Eagle Communications Group, Inc. (Eagle) applied to the Public Service Commission on May 21, 1999, for a certificate of service authority to provide intrastate interexchange telecommunications services and to provide private pay telephone service via customer-owned pay telephone (COCT) equipment in Missouri under Section 392.440, RSMo 1994<sup>1</sup>. Eagle asked the Commission to classify it as a competitive company and waive certain statutes and rules as authorized by Sections 392.361 and 392.420. Eagle is a Delaware corporation, with its principal office located at 7741 Troost Avenue, Kansas City, Missouri 64131.

The Commission issued a Notice of Applications for Intrastate Certificates of Service Authority and Opportunity to Intervene on June

---

<sup>1</sup> All statutory references are to the Revised States of Missouri 1994 unless otherwise indicated.

1, directing parties wishing to intervene to file their requests by June 16.

The Commission also issued its order striking Eagle's application for interexchange telecommunications services to provide private pay telephone service (COCT) for failure to comply with the Commission rule 4 CSR 240-2.060(3). On July 28, 1999, Eagle refiled its application for certificate of service authority to provide private pay telephone service (COCT) in compliance with the Commission rules. The Commission issued a Notice of Applications for Authority to Provide Pay Phone Service on August 5 which set an intervention deadline of August 20. 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 on the verified application.

Eagle filed a proposed tariff in conjunction with its application and filed substitute sheets on July 29 and August 16. The tariff's effective date was July 7, 1999. Eagle's tariff describes the rates, rules, and regulations it intends to use, identifies Eagle as a competitive company, and lists the waivers requested. Eagle intends to provide interexchange telecommunications services including 1+ services, 800/888/877 services, Operator Assistance services, Private Line services, Debit card services and Travel Card services.

In its Memorandum filed on August 26, 1999, the Staff of the Commission (Staff) stated that Eagle's proposed services are similar to existing interexchange telecommunications offerings. Staff recommended that the Commission grant Eagle a certificate of service authority, competitive status, and waiver of the statutes and rules listed in the Notice. Staff recommended that the Commission approve the proposed tariff as amended to become effective as soon as possible after certificate is approved.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and Eagle should be granted a certificate of service authority. The Commission finds that the services Eagle proposes to offer are competitive and Eagle should be classified as a competitive company. The Commission finds that waiving the statutes and Commission rules set out in the ordered paragraph below is reasonable and not detrimental to the public interest. The Commission finds that Eagle's proposed tariff details the services, equipment, and pricing it proposes to offer, and is similar to tariffs approved for other Missouri certificated interexchange carriers and should be approved as amended.

The Commission also finds that competition in the private pay telephone service market is in the public interest and that Eagle 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. 1998, 392.230, 392.370.4, 392.370.5, and 392.500. Eagle shall notify the Commission if it ceases to provide private pay telephone services in the state of Missouri, or if the address or phone number of its principal place of business changes. The Commission finds that Eagle'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 Eagle Communications Group, Inc. is granted a certificate of service authority to provide intrastate interexchange telecommunications services in the state of Missouri, subject to all

applicable statutes and Commission rules except as specified in this order.

2. That Eagle Communications Group, Inc. is classified as a competitive telecommunications company. Application of the following statutes and regulatory rules shall be waived:

Statutes

392.240(1)	-	ratemaking
392.270	-	valuation of property (ratemaking)
392.280	-	depreciation accounts
392.290	-	issuance of securities
392.310	-	stock and debt issuance
392.320	-	stock dividend payment
392.340	-	reorganization(s)
392.330, RSMo Supp. 1998	-	issuance of securities, debts and notes

Commission Rules

4 CSR 240-10.020	-	depreciation fund income
4 CSR 240-30.010(2) (C)	-	rate schedules
4 CSR 240-30.040	-	Uniform System of Accounts
4 CSR 240-32.030(1) (B)	-	exchange boundary maps
4 CSR 240-32.030(1) (C)	-	record-keeping
4 CSR 240-32.030(2)	-	in-state record-keeping
4 CSR 240-32.050(3)	-	local office record-keeping
4 CSR 240-32.050(4)	-	telephone directories
4 CSR 240-32.050(5)	-	call intercept
4 CSR 240-32.050(6)	-	telephone number changes
4 CSR 240-32.070(4)	-	public coin telephone
4 CSR 240-33.030	-	minimum charges rule
4 CSR 240-33.040(5)	-	financing fees

3. That the tariff filed by Eagle Communications Group, Inc. on May 21, 1999, and assigned Tariff File No. 9900899, is approved as amended to become effective on September 9, 1999. The tariff approved is:

P.S.C. Mo. No. 1  
Original Sheets 1-22

4. That Eagle Communications Group, 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.

5. That this order shall become effective on September 9, 1999.

6. That this case may be closed on September 10, 1999.

BY THE COMMISSION



Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge

( S E A L )

Shelly A. Register, 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 30th day of August, 1999.

**RECEIVED**

AUG 30 1999

COMMISSION COUNSEL  
PUBLIC SERVICE COMMISSION