

D.P.U. 95-115

Application of Frank A. Skawski d/b/a F.A.S. Telecommunications under the provisions of Chapter 159 of the General Laws, as amended, for a certificate of public convenience and necessity to provide coin services from pay telephones within the Commonwealth of Massachusetts.

APPEARANCE: Frank A. Skawski
d/b/a F.A.S. Telecommunications
P.O. Box 13
So. Deerfield, MA 01373
Applicant

I. INTRODUCTION

On October 26, 1995, pursuant to G.L. c. 159, Frank A. Skawski d/b/a F.A.S. Telecommunications ("Applicant") filed an application with the Department of Public Utilities ("Department") for a certificate of public convenience and necessity ("certificate") to provide coin services from pay telephones in the Commonwealth. The Applicant does not propose to provide alternative operator services. The application was docketed as D.P.U. 95-115. Pursuant to notice duly issued, interested persons were afforded an opportunity to submit comments, objections or requests for a hearing. No such comments, objections, or requests were filed.

II. STANDARD OF REVIEW

In approving an application for a certificate, the Department must find that the applicant possesses the managerial, technical, and financial ability to provide the proposed service, and that there is a public need for the proposed service. Satellite Business Systems, D.P.U. 84-125 (1984); Allnet Communications Services, Inc., D.P.U. 84-177 (1985).

III. ANALYSIS AND FINDINGS

Based on the verified application and related materials filed case, the Department finds that the Applicant is financially, managerially, and technically qualified to provide coin services from pay telephones within the Commonwealth and that, if the Applicant meets certain requirements discussed infra, there is a public need for the proposed service.

As a continuing condition for certification to provide coin services, the Applicant shall

comply with the following requirements set forth in M.G. Communications, Inc.,

D.P.U. 90-143 (1991) ("M.G."):

- (1) provide timely, regular, and comprehensive maintenance of its pay-telephone equipment and services;
- (2) provide a telephone number to end users that can be dialed from any telephone (i.e., not only from the Applicant's pay telephones) at no charge to an end user, so that the Applicant can be contacted regarding service problems;
- (3) provide access to 800, 950, and 10XXX access code numbers;
- (4) prevent the simultaneous use of an extension telephone and a pay telephone;
- (5) equip and maintain a minimum of 25 percent of all of the Applicant's pay telephones with controls for sound amplification of incoming transmissions;¹
- (6) provide free access to all intrastate directory assistance (e.g., 411; 1-555-1212; 1-617-555-1212; 1-413-555-1212; and 1-508-555-1212);
- (7) provide dial tone from the Applicant's pay telephones free of charge;
- (8) provide free access to 911; where 911 is not available, provide free access to the appropriate public safety agency or, in the alternative, provide free access to a New England Telephone and Telegraph Company d/b/a NYNEX ("NYNEX") operator; and
- (9) display labels on each of the Applicant's pay telephones that include the following information: (a) instructions on how to call for emergency services; (b) name and address of the Applicant; (c) the Applicant's toll-free number; (d) a statement that the end user has a right to contact the Department of Public Utilities regarding any unresolved disputes concerning intrastate calls; and (e) the Department's address and toll-free number for consumer complaints.²

¹ This condition applies to those pay-telephone providers having four or more pay telephones.

² In M.G., the Department also ordered pay-telephone service providers to file semi-annual reports with the Department's Telecommunications Division. In Quest
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In conformance with requirement (9) as set forth in M.G., supra, the Applicant shall submit two copies of its final printed display label to the Department within 30 days of the date of this Order.

Should the Applicant wish to transfer its certificate to another, the Applicant and the acquiring party must seek formal approval from the Department, and in so doing, the Applicant and the acquiring party must comply with the Department's requirements governing the transfer of certificates.³ Furthermore, we hereby put the Applicant on notice that after any grant of certification, a later bond requirement or other measure that addresses specific problems may be required for the Applicant to remain certificated.

IV. ORDER

Accordingly, after due notice and consideration, it is

ORDERED: That the application of Frank A. Skawski d/b/a F.A.S.

Telecommunications for a certificate of public convenience and necessity to provide coin services from pay telephones be and hereby is approved; and it is

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Correctional Communications, Inc., D.P.U. 93-80 at 3 (1993), the Department determined that it would no longer require that this information be filed with the Telecommunications Division. However, applicants should continue to comply with the annual filing requirements under G.L. c. 159, § 32.

³ During the course of conducting business, if the Applicant should transfer the operations of its pay telephones at a particular location or locations to another entity, the Applicant must notify the Department and NYNEX in writing of such transfer within 30 days of the transaction. The transfer may not occur unless the acquiring entity is certificated. Furthermore, the acquiring entity must certify in writing to the Department that the customer notification has been changed to reflect the change in ownership of the operations.

FURTHER ORDERED: That Frank A. Skawski d/b/a F.A.S. Telecommunications shall comply with all the requirements set forth herein and any other requirements hereafter promulgated by the Department relating to the provision of coin service from pay telephones; and it is

FURTHER ORDERED: That Frank A. Skawski d/b/a F.A.S. Telecommunications shall provide two copies of a final printed display label to the Department within 30 days of the date of this Order; and it is

FURTHER ORDERED: That noncompliance with any provision of this Order or other requirements hereafter promulgated by the Department for the provision of coin service from pay telephones shall be grounds for the revocation of certification and disconnection of Frank A. Skawski d/b/a F.A.S. Telecommunication's public access line(s).

By Order of the Department,

John B. Howe, Chairman

Mary Clark Webster, Commissioner

Janet Gail Besser, Commissioner

Appeal as to matters of law from any final decision, order or ruling of the Commission may be taken to the Supreme Judicial Court by an aggrieved party in interest by the filing of a written petition praying that the Order of the Commission be modified or set aside in whole or in part.

Such petition for appeal shall be filed with the Secretary of the Commission within twenty days after the date of service of the decision, order or ruling of the Commission, or within such further time as the Commission may allow upon request filed prior to the expiration of twenty days after the date of service of said decision, order or ruling. Within ten days after such petition has been filed, the appealing party shall enter the appeal in the Supreme Judicial Court sitting in Suffolk County by filing a copy thereof with the Clerk of said Court. (Sec. 5, Chapter 25, G.L. Ter. Ed., as most recently amended by Chapter 485 of the Acts of 1971.)