

P-999/CI-92-523 ORDER INITIATING GENERIC INVESTIGATION INTO FAX  
FOR HIRE

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Don Storm	Chair
Tom Burton	Commissioner
Cynthia A. Kitlinski	Commissioner
Dee Knaak	Commissioner
Norma McKanna	Commissioner

In the Matter of a Commission  
Initiated Investigation into the  
Provision of Fax Services to the  
Public For Hire

ISSUE DATE: June 26, 1992

DOCKET NO. P-999/CI-92-523

ORDER INITIATING GENERIC  
INVESTIGATION INTO FAX FOR HIRE

**PROCEDURAL HISTORY**

On February 11, 1992, Man-U-Fax-Sure (the Company) filed an Application for Authority to Provide Coin-Operated Telephone Service in the State of Minnesota. The matter was assigned Docket No. P-1600/CT-92-114 and will be referred to as the application docket.

On April 8, 1992, the Minnesota Department of Public Service (the Department) filed its Report of Investigation and Recommendation. The Department recommended that the Commission grant the Company an interim certificate of authority to provide fax services, direct the Company to charge \$.25 per call for local voice calls, and open an investigation docket to request comments from interested parties regarding the need for a certificate of authority as well as regulatory policy on rates charged to the public.

On June 12, 1992, the Commission met to consider this matter.

**FINDINGS AND CONCLUSIONS**

In its application, Man-U-Fax-Sure requested authority to provide both traditional pay telephone service and pay fax services over a self-service machine designed to perform both operations. The machines would be located in a variety of locations, including some 24-hour convenience stores, hotels, libraries and truck stops and would be accessed by credit card.

## Fax Services

The Company's application is the first request the Commission has received for authority to provide pay fax services. The extent of the Commission's jurisdiction over public fax service for hire has not been fully examined. If the Commission does have jurisdiction over the provision of such services, the Commission must further consider whether the Company must obtain a certificate of authority similar to that required of pay telephone service providers and what kind of rules and regulations would apply to this activity.

## Commission Action

The Commission will initiate a generic investigation to explore the novel issues of general interest raised by the Company's application. In this investigation docket (P-999/CI-92-523), the Commission will examine the range of fax services currently and potentially provided to the public for hire to determine whether the Commission has and should exert jurisdiction over such services<sup>1</sup> and, if so, what regulation of this service is appropriate. To commence the investigation, the Commission will direct the Department to submit a report and recommendation within 60 days of this Order.

By separate Order in the application docket (P-1600/CT-92-114), the Commission has granted the Company interim authority to provide pay fax services and pay telephone services. In the Matter of Man-U-Fax Sure's Initial Application for Customer-Owned Pay Telephone Service in Minnesota, Docket No. P-1600/CT-92-114, ORDER GRANTING INTERIM AUTHORITY (June 26, 1992).

## ORDER

1. A generic investigation into the provision of fax services to the public for hire is hereby initiated and assigned Docket No. P-999/CI-92-523.
2. Within 60 days of the date of this Order, the Minnesota Department of Public Service (the Department) shall submit a report and recommendation. The Department's report shall

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<sup>1</sup> "Fax services available to the public for hire" include not only the pay fax service but also over the counter fax services. The principal difference between the two is that the pay fax machine is a self-service unit (i.e. operated by the end-user) while the over the counter fax machine is operated for pay by an on-site employee at the end-user's request.

address, among other things, the following issues:

- a. the extent to which fax for hire is currently being provided in the state, identifying these providers by business name and address;
  - b. whether the Commission should exert jurisdiction over fax services provided to the public for hire;
  - c. whether, if the Commission exerts jurisdiction over fax-for-hire services, regulation of the services and their providers is warranted;
  - d. whether fax services provided to the public for hire from open locations such as airports, public street corners, hotel lobbies and the like are different from fax services provided for hire at private businesses such as printing or photocopying shops;
  - e. whether, if the Commission exerts jurisdiction over fax services provided to the public for hire, fax service providers should be required to obtain a certificate of authority similar to that required of pay telephone service providers or whether a different type of authority should be required;
  - f. whether, if the Commission exerts jurisdiction over fax services provided to the public for hire, fax service providers should be subject to the rules and regulations that currently apply to pay telephone providers or whether there should be some modifications that would be specific to fax service providers;
  - g. whether competition exists in the fax for hire market and the projected market trend; and
  - h. other issues that might be relevant to the Commission in addressing the subject of this investigation, i.e. the provision of fax services for hire in Minnesota.
3. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Richard R. Lancaster  
Executive Secretary

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