

P-1600/CT-92-114 ORDER GRANTING INTERIM AUTHORITY

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 Man-U-Fax
Sure's Initial Application for
Customer-Owned Pay Telephone
Service in Minnesota

ISSUE DATE: June 26, 1992
DOCKET NO. P-1600/CT-92-114

ORDER GRANTING INTERIM AUTHORITY

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.

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

Man-U-Fax-Sure has requested authority to provide both traditional pay telephone service and pay fax services over a self-service machine designed to perform both operations. The Company would locate these machines in a variety of locations, including some 24-hour convenience stores, hotels, libraries and truck stops and would be accessed by credit card. The Company proposed rates for local two-way voice message service of \$.60 for the first minute and \$.40 for each additional minute and long distance rates the same as AT&T's. Rates for the fax service would be as follows:

	<u>First Page</u>	<u>Additional Pages</u>
Local	\$ 4.00	\$ 2.00
Long-Distance	\$ 6.00	\$ 3.00
International	\$10.00	\$ 6.00

Pay Telephone Component of the Company's Application

The Company has properly supported an application for authority to provide pay telephone service except that the rates it proposed for local service appear unreasonable. The Commission finds no justification for allowing the Company to provide local pay telephone service for rates higher than those charged by other pay telephone providers, i.e. \$.25 per call.

Pay Fax Component of the Company's Application

The Company's application is the first request the Commission has received for authority to provide pay fax services. It is unclear to the Commission at this time whether the Commission has jurisdiction over fax services as the Company proposes to provide them. 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

By separate Order in another docket, the Commission has initiated a generic investigation to explore the novel issues of general interest raised by the Company's application. In the Matter of a Commission Initiated Investigation into the Provision of Fax Services to the Public For Hire, Docket No. P-999/CI-92-523, ORDER INITIATING GENERIC INVESTIGATION INTO FAX FOR HIRE (June 26, 1992).

Pending the outcome of that investigation, the Commission will grant the Company an interim certificate of authority which will authorize it to provide its proposed services (pay telephone and pay fax services) on the condition, of course, that the Company modify its operation to charge only \$.25 per local call. Because the Commission has not made a final determination whether and how it will regulate the Company's fax operation, this Order does not comment upon the Company's fax rates. The Commission's silence regarding those rates at this time should not be interpreted as approval or disapproval of those rates.

ORDER

1. Man-U-Fax-Sure is hereby granted an interim certificate of authority to provide pay fax and pay telephone services in the State of Minnesota provided that its rate for local telephone service shall not exceed \$.25 per call.
2. Man-U-Fax-Sure's authority to provide pay fax and pay telephone services in the State of Minnesota shall be interim in nature pending the outcome of the Commission's investigation of public fax services for hire in Docket No. P-999/CI-92-523.
3. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Richard R. Lancaster
Executive Secretary

(S E A L)