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March 1, 2004

**FILED<sup>2</sup>**  
MAR 01 2004  
Missouri Public  
Service Commission

Mr. Dale Hardy Roberts  
Executive Secretary  
Missouri Public Service Commission  
200 Madison Street, PO Box 360  
Jefferson City, MO 65102-0360

RE: In the Matter of the Application of Image Access, Inc. d/b/a NewPhone  
For a Certificate of Service Authority to Provide Basic Local and  
Interexchange Telecommunications Service in the State of Missouri  
And to Classify Said Services and the Company as Competitive.

Dear Mr. Roberts:

Enclosed please find for filing the original plus eight ( 8) copies of the Application of  
Image Access, Inc. d/b/a NewPhone, in the above captioned matter.

If you should have any questions concerning the enclosed filing, please do not hesitate to  
contact me.

Thank you.

Very truly yours,

HENDREN & ANDRAE, L.L.C.

  
Richard S. Brownlee III

RSB/bn  
Enclosure

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

**FILED<sup>2</sup>**  
MAR 01 2004  
Missouri Public  
Service Commission

In the Matter of the Application of )  
Image Access, Inc. d/b/a NewPhone for a )  
Certificate of Service Authority to )  
Provide Basic Local and Interexchange )  
Telecommunications Service in the )  
State of Missouri and to Classify Said )  
Services and the Company as Competitive )

Case No. \_\_\_\_\_

**APPLICATION FOR A CERTIFICATE OF SERVICE AUTHORITY  
TO PROVIDE PREPAID BASIC LOCAL EXCHANGE AND INTEREXCHANGE  
TELECOMMUNICATIONS SERVICES AND FOR COMPETITIVE CLASSIFICATION**

Comes now, Image Access, Inc. d/b/a NewPhone ("NewPhone" or "Applicant") through the undersigned counsel Richard S. Brownlee III with Hendren & Andrae, LLC, and hereby files this verified application pursuant to 4 CSR 240-2.060 and 4 CSR 240-3.510, and respectfully requests that the Missouri Public Service Commission ("Commission") issue an order that (a) grants Applicant a Certificate of Authority to provide resold Basic Local and Interexchange Telecommunications Service in the State of Missouri, (b) grants competitive status to Applicant and (c) waives certain Commission rules and statutory provisions pursuant to Section 392.420, RSMo Cum. Supp. 1992.

In support of its application NewPhone states as follows:

1. Corporate Existence Applicant is a corporation duly organized and existing under and by virtue of the laws of the state of Louisiana with authority to do business in the state of Missouri as reflected in the certificates attached as Exhibit A. The legal name and principal office or place of business of applicant is:

Image Access, Inc. d/b/a NewPhone  
3525 Causeway Blvd., Suite 501  
Metairie, Louisiana 70002  
Telephone: (504) 834-9363  
Facsimile: (504) 833-9419

2. Application Contact All inquiries, correspondence, communications, pleadings, notices, orders and decisions relating to the case should be addressed to:

In-State Attorney

Richard S. Brownlee III  
Hendren & Andrae, LLC  
221 Bolivar Street, Suite 300  
Jefferson City, MO 65102  
Telephone (573) 636-8135  
Facsimile (573) 636-4905

Company Contact:

Jim R. Dry  
Chief Financial Officer  
Image Access, Inc. d/b/a NewPhone  
10636 Linkwood Court, Suite 11  
Baton Rouge, LA 70810  
Telephone: (225) 757-0548  
Facsimile: (225) 757-7412

3. Service Area -Local NewPhone proposes to provide prepaid basic local exchange telecommunications service on a resold basis, throughout all exchanges currently served by Southwestern Bell Telephone Company ("SWBT"). The specific SWBT exchanges within which NewPhone proposes to offer service are listed in the incumbent providers respective local exchange tariffs. NewPhone may seek authority to provide this service in other areas of the state in a subsequent proceeding.

Service Area-Interexchange NewPhone proposes to provide interexchange services and pre-paid interexchange services throughout the state of Missouri.

4. Offerings Pursuant to this application, NewPhone seeks to resell all forms of SWBT's basic local exchange service offerings. NewPhone also seeks to offer interexchange service and prepaid interexchange services.

5. Financial, Managerial and Technical Ability Image Access possesses the financial, managerial and technical ability to provide local and interexchange telecommunication service in the state of Missouri as set forth in Exhibits B - G attached hereto:

A. Financial Qualifications:

In support of its financial information, Image Access submits (12) months of historical financial statements including a balance sheet and an income statement (Exhibit B), and,

on a pro forma basis, twelve (12) months of financial statements to include a balance sheet and an income statement (Exhibit C). Exhibits B and C are being submitted under seal as confidential and proprietary information herewith. Also attached for support is Exhibit D, a letter of credit from Hibernia National Bank in the amount of \$50,000.00 in favor of Image Access. Thus, Image Access asserts that it has the financial resources necessary to operate as a CLEC and an interexchange carrier in Missouri.

B. Managerial Ability:

As shown in Exhibit E to this Application, Image Access has the managerial expertise to successfully operate a telecommunications enterprise in Missouri. The officers of Image Access have been involved directly in providing telecommunication services to end users in Louisiana since June 9, 1998. Image Access and the officers have also been providing telecommunications services to end users in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina and South Carolina since 1999. In addition, Gene Dry and Richard Jaubert have been involved in the business of providing transaction services to retailers in Louisiana through TeleCheck Louisiana, and Jim Dry has served in a managerial capacity with Cajun Electric Power Cooperative Inc., each of which are more fully described in Exhibit E. Also attached is Exhibit F, Applicant's principal officers, Exhibit G, Organizational Structure.

C. Technical Qualifications:

Image Access services will satisfy the minimum standards established by the Missouri Public Service Commission ("MPSC" or "Commission"). The Applicant will file and maintain tariffs in the manner prescribed by the MPSC and will meet minimum basic local standards, including quality of service and billing standards required of all LECs regulated by the MPSC. See Exhibit H, NewPhone Local Exchange Tariff. Exhibit I, Interexchange Tariff. See also Exhibit B.

6. NewPhone seeks classification of itself and its services as competitive. Applicant believes that its proposed services will be subject to sufficient competition to justify a lesser degree of regulation. Granting the application will allow greater price and service options for end users.
7. NewPhone will resell basic local telecommunications service as a separate and distinct service in accordance with applicable law. NewPhone will give consideration to equitable

access for all Missourians, regardless of where they might reside or their income, to affordable telecommunications services in NewPhone's proposed service areas in accordance with applicable law.

8. NewPhone is willing to comply with all applicable Commission rules and is willing to meet all relevant service standards, including, but not limited to billing, quality of service, and tariff filing and maintenance in a manner consistent with the Commission's requirements for incumbent local exchange carrier(s) with whom NewPhone seeks authority to compete. Additionally, NewPhone requests that, pursuant to Section 392.420 RSMo (Cumm. Supp. 1992), that the Commission waive the application of the following rules and statutory provisions as it relates to Applicant:

9.	<u>Statutes</u>	<u>Missouri Public Service Commission Rules</u>
	392.210.2	4 CSR 240-10.020
	392.240.1	4 CSR 240-3.545 (2) (C)
	392.270	4 CSR 240-30.040
	392.280	4 CSR 240-3.550 (5) (C)
	392.290	4 CSR 240-33.030
	392.300.2	
	392.310	
	392.320	
	392.330	
	392.340	

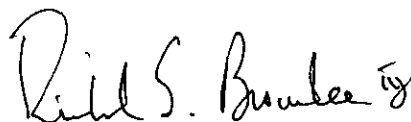
10. NewPhone submits that the public interest will be served by Commission approval of this application because NewPhone's proposed services will create and enhance competition and expand customer service options consistent with the legislative goals set forth in the Federal Telecommunications Act of 1996 and Chapter 392 RSMo. Prompt approval of this application also will expand the availability of innovative, high quality, and reliable telecommunications services within the state of Missouri.
11. NewPhone submits, notwithstanding the provisions of Section 392.500 RSMo., as a condition of certification and competitive classification, NewPhone agrees that, unless otherwise ordered by the Commission, NewPhone's originating and terminating switched exchange access rates will be no greater than the lowest Commission-approved corresponding access rates in effect for each ILEC within whose service area(s) NewPhone seeks authority to provide service. Additionally, pursuant to the Commission's Report and Order in Case No. TO-99-596, NewPhone agrees that if the

ILEC in whose service area NewPhone is operating decreases its originating and/or terminating access service rates, NewPhone shall file an appropriate tariff amendment to reduce its originating and/or terminating access rates within thirty (30) days of the ILEC's reduction of its originating and/or terminating access rates in order to maintain the cap on switched exchange access rates.

12. NewPhone has no pending action or final unsatisfied judgment or decisions against it from any state, federal agency or court which involves customer service or rates, which action, judgment or decision has occurred within 3 years of the date of application.
13. NewPhone has no overdue annual reports or assessment fees.
14. Applicant pursuant to Section 386.570 RSMo, will comply with all applicable Commission rules except those specifically waived by the Commission pursuant to the request filed by the Applicant.

WHEREFORE, applicant, NewPhone respectfully requests that the Commission grant it a certificate of service authority to provide basic local telecommunications and interexchange services as herein requested, classify NewPhone and its proposed services as competitive, and grant a waiver of the aforesaid statutes and regulations.

Respectfully submitted,



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Richard S. Brownlee, III #22422  
221 Bolivar Street, Suite 300  
P.O. Box 1069  
Jefferson City, MO 65102  
(573) 636-8135  
(573) 636-4905 (fax)  
Hendren & Andrae

(COUNSEL FOR IMAGE ACCESS, INC. D/B/A  
NEWPHONE)

**CERTIFICATE OF SERVICE**

Comes now applicant, and states that copies of this application was hand delivered to the Office of Public Counsel and General Counsel on the 1 day of March, 2004.

Richard S. Brownlee III

Richard S. Brownlee, III

Exhibit A- LA Secretary of State certificate and Missouri Secretary of State authority

Exhibit B- 12 months historical income and balance sheet

Exhibit C- 12 months proforma income and balance sheet

Exhibit D- Letter of Credit

Exhibit E- Managerial and Technical Abilities

Exhibit F- Principal Officers

Exhibit G- Organizational Chart

Exhibit H- Local Exchange Tariff

Exhibit I- Interexchange Tariff

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

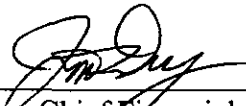
In the Matter of the Application of )  
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Telecommunications Service in the )  
State of Missouri and to Classify Said )  
Services and the Company as Competitive )

Case No. \_\_\_\_\_

State of Louisiana )  
County/Parish of East Baton Rouge ) ss

**AFFIDAVIT**

I, Jim R. Dry, Chief Financial Officer, Image Access Inc. d/b/a NewPhone, hereby authorize Richard S. Brownlee, III, or any member of the law firm of Hendren & Andrae, LLC, 221 Bolivar Street, P.O. Box 1069, Jefferson City, MO, 65102, to sign all pleadings and documents necessary to receive the approval of the Missouri Public Service Commission for the Application in the above captioned matter.

  
\_\_\_\_\_  
Jim R. Dry, Chief Financial Officer  
Image Access Inc. d/b/a NewPhone

Subscribed and sworn to before me, a Notary Public, in and for the State of Louisiana,  
this 23rd day of February, 2004.

  
\_\_\_\_\_  
Notary Public

Commission Expires: at Death



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

In the Matter of the Application of )  
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State of Missouri )  
County/Parish of Cole ) ss

**VERIFICATION BY ATTORNEY**

Now, on this 1st day of March, 2004, appears before me, Richard S. Brownlee, III, attorney for applicant and states that the information contained in this application is true and accurate to his best information and belief.

Richard S. Brownlee III  
Richard S. Brownlee, III

Subscribed and sworn before me.

Barbara J. Nilges  
Notary Public



Commission Expires: 5-31-04

**BARBARA J. NILGES**  
**Notary Public-Notary Seal**  
**STATE OF MISSOURI**  
Osage County  
My Commission Expires: **May 31, 2004**