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

In the Matter of the Cancellation of the	)	
Certificate of Service Authority and Tariffs	)	Case No.
of Image Access, Inc. d/b/a NewPhone	)	

#### MOTION TO CANCEL CERTIFICATE OF SERVICE AUTHORITY

COMES NOW Staff of the Missouri Public Service Commission (Staff) and moves the Missouri Public Service Commission (Commission) cancel Image Access, Inc. d/b/a NewPhone's (NewPhone) certificate of service authority to provide basic local and intrastate interexchange services in Missouri. For said Motion, Staff respectfully states the following:

- 1. On May 6, 2004, the Commission issued an order granting a certificate of service authority to NewPhone to provide basic local and intrastate interexchange services in Missouri, and classifying NewPhone as a competitive telecommunications company.
- 2. In the same order, Tariff YL-2004-1262 was approved as substituted, as well as YL-2004-1263.
- 3. On February 13, 2008, the Commission received NewPhone's Statement Of Revenue FY 2009 Mo. PSC Assessment, reporting zero revenue and indicating NewPhone no longer wishes to retain its operating certificate. (See Appendix A).
  - 4. Zero revenue was also reported on assessments for fiscal years 2006 and 2007.
  - 5. NewPhone owes no past assessments to the Commission.
- 6. New Phone does not currently provide any regulated intrastate services to customers in Missouri.
- 7. Because NewPhone has requested cancellation of its certificate and it is not providing services in Missouri, Staff recommends the Commission issue an order canceling said certificate and tariffs.

- 8. The Commission has the authority to cancel a telecommunications certificate pursuant to Section 392.410.5 RSMo (Supp. 2006), which provides "[a]ny certificate of service authority may be altered or modified by the commission after notice and hearing, upon its own motion or upon application of the person or company affected."
- 9. The Commission need not hold a hearing, if, after proper notice and opportunity to intervene, no party requests such a hearing. *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494 (Mo. App. 1989).

WHEREFORE, the Staff respectfully recommends the Commission cancel the certificate of service authority of NewPhone, to provide basic local and interexchange services in Missouri, and all applicable tariffs.

Respectfully submitted,

/s/ Jennifer Hernandez

Jennifer Hernandez Legal Counsel Missouri Bar No. 59814

Attorney for the Staff of the Missouri Public Service Commission P. O. Box 360
Jefferson City, MO 65102
(573) 751-8706 (Telephone)
(573) 751-9285 (Fax)
jennifer.hernandez@psc.mo.gov

#### CERTIFICATE OF SERVICE

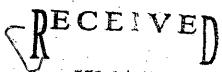
I certify that a true and accurate copy of the foregoing was sent via U.S Mail, first-class postage prepaid, return receipt requested, to Jim Dry, NewPhone, 3525 N Causeway Blvd, Ste 501, Matairie, LA 70002 on this 29<sup>th</sup> day of May, 2008.

#### /s/ Dawn M. Carafeno

# HIGHLY CONFIDENTIAL

### STATEMENT OF REVENUE

FY-2009 Mo. PSC Assessment



FEB 04 2008

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etairie, LA 70002		
JIM DRY	, PRESIDENT	2252144414
NAME	TITLE	TELEPHONE #
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In the Matter of the Canc Certificate of Service Au of Image Access, Inc. d/b	thority and Tariffs	)	Case No.	
	AFFIDAVIT OF	LISA MAH	ANEY	
STATE OF MISSOURI	) ) ss:			
COUNTY OF COLE	. )			
Lisa Mahaney, employee age and after being duly and that the facts therein	sworn, states that sh	e has reviewed	d the accompanying plea	ding, .
		Lisa Mahane	Mehaney	
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State of Missouri an			9-21-10	,
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