

**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, Metairie, 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

RECEIVED

FEB 04 2008

Jim Dry

NewPhone

Utility Type-Telephone-CLEC/IXC

3525 N. Causeway Blvd., Suite 501

Metairie, LA 70002

BUDGET & FISCAL SVCS  
MO. P.S.C.

I, Jim Dry, PRESIDENT 225 214 4414  
NAME TITLE TELEPHONE #

hereby certify that the GROSS INTRASTATE OPERATING REVENUE of the above-named Company in the State of Missouri, for the calendar year 2007, is:

NOTE: THE GROSS INTRASTATE OPERATING REVENUE REPORTED ON THIS STATEMENT MUST MATCH THE TOTAL MISSOURI JURISDICTIONAL OPERATING REVENUES REPORTED ON THE COMPANY'S ANNUAL REPORT

\*\*IF REPORTING ZERO REVENUE, DO YOU WISH TO RETAIN YOUR OPERATING CERTIFICATE? YES ☒ NO

ELECTRIC OPERATING REVENUE	\$	
GAS OPERATING REVENUE	\$	
HEATING OPERATING REVENUE	\$	
WATER OPERATING REVENUE	\$	
SEWER OPERATING REVENUE	\$	
TELEPHONE OPERATING REVENUE	\$	<u>-0-</u>
TOTAL	\$	<u>-0-</u>

Jim Dry SIGNATURE

State of LOUISIANA  
County of EAST BATON ROUGE

Sworn to and subscribed before me a Notary Public in and for said County and State this  
31st day of January, 2008.  
DATE MONTH YEAR

(SEAL)

Sharon C. Ragusa  
NOTARY PUBLIC

My commission expires At Death

Sharon C. Ragusa #039606

Mail one notarized copy of this statement to the Missouri Public Service Commission, Budget & Fiscal Services Department, P.O. Box 360, Jefferson City, Missouri 65102.

NO LATER THAN MARCH 31, 2008

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STATE OF MISSOURI                    )  
  )    ss:  
COUNTY OF COLE                    )

*Lisa Mahaney*  
Lisa Mahaney

A circular notary seal for the State of Missouri. The outer ring contains the text "NOTARY PUBLIC" at the top and "STATE OF MISSOURI" at the bottom, separated by stars. The center of the seal contains the words "NOTARY SEAL" in a bold, sans-serif font.

*Susan L. Hendricks*  
NOTARY PUBLIC



**SUSAN L. SUNDERMEYER**  
My Commission Expires  
September 21, 2010  
Callaway County  
Commission #06942086