

Image Access, Inc.
d/b/a NewPhone

5555 Hilton Avenue
Suite 605
Baton Rouge, LA 70808
Telephone: 225-214-4412
Facsimile: 225-214-4401

June 30, 2006

FILED²

JUL 03 2006

Colleen Dale, Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
200 Madison, Suite 100
Jefferson City, MO 65102

**Missouri Public
Service Commission**

RE: Image Access, Inc. d/b/a NewPhone
Application For Approval of Resale Agreement

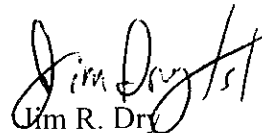
Dear Ms. Dale:

Pursuant to Section 252(e) of the Telecommunications Act of 1996 (the "Act"), enclosed is an Application for Approval of a negotiated Resale Agreement by and between Southwestern Bell Telephone, L.P. d/b/a AT&T Missouri and Image Access, Inc. d/b/a NewPhone for the State of Missouri. Enclosed are an original and one (1) copy of the Application and Agreement. Also enclosed is a CD containing same.

The Parties submit that the enclosed Agreement (or any portion thereof) does not discriminate against a telecommunications carrier not a party to the Agreement, and that the implementation of the Agreement is consistent with the public interest, convenience and necessity. Accordingly, AT&T and Image Access respectfully request that the Commission approve the enclosed agreement or allow same to become effective by operation of law according Section 252(e) of the Act.

Please return one file-stamped copy to me in the enclosed self-addressed, stamped envelope. Should you have any questions and require additional information, please contact me at (225) 214-4412. Thank you for your assistance.

Sincerely,


Jim R. Dry

JRD/kj
Enclosures

cc: Linda Campbell

FILED²

JUL 03 2006

Missouri Public
Service Commission

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

**In the Matter of the Application of)
Image Access, Inc. for Approval)
of its Resale Agreement with)
Southwestern Bell Telephone, L.P.)
d/b/a AT&T Missouri)**

Case No. _____

APPLICATION FOR APPROVAL OF RESALE AGREEMENT

COMES NOW Image Access, Inc. d/b/a NewPhone ("NewPhone" or "Applicant"), and hereby files this Application for Approval of the negotiated Resale Agreement (the "Agreement") between NewPhone and Southwestern Bell Telephone, L.P. d/b/a AT&T Missouri ("AT&T"), under Section 252(e) of the Telecommunications Act of 1996, Public Law No. 104-104 ("Federal Act"), and 4 CSR 240-3.513, stating the following:

A. PRELIMINARY MATTERS

1. NewPhone is a competitive local exchange carrier ("CLEC") in Missouri. NewPhone's office and principal place of business are located at 3525 Causeway Boulevard, Suite 501, Metairie, Louisiana 70002 and its telephone number is 504-274-1717.

2. By this Application, NewPhone seeks Commission approval of a negotiated Resale Agreement between NewPhone and AT&T. AT&T's office and principal place of business is located at One SBC Center, Room 3520, St. Louis, Missouri 63101. AT&T is a "local exchange telecommunications company" and a "public utility," and is duly authorized to provide "telecommunications service" within the State of Missouri as each of those phrases are defined in Section 386.020, RSMo. 2000.

3. NewPhone's certificate of good standing is attached hereto as Attachment A.

4. Correspondence, pleadings, and orders in this matter should be addressed to:

Jim R. Dry
Vice President/Chief Financial Officer
Image Access, Inc. d/b/a NewPhone
5555 Hilton Avenue
Suite 605
Baton Rouge, Louisiana 70808
225-214-4412
225-214-4401 (facsimile)
jimdry@razorline.com

B. RESALE AGREEMENT REACHED

5. NewPhone presents to this Commission for approval a negotiated Resale Agreement executed and approved pursuant to the terms of the Federal Act. After comprehensive, good faith negotiations NewPhone and AT&T executed the Agreement on May 16, 2006 and May 23, 2006, respectively. An original of the duly executed Resale Agreement is appended hereto.

C. REQUEST FOR APPROVAL

6. NewPhone seeks the Commission's approval of the Agreement, consistent with the Federal Act and Missouri law. NewPhone believes that the implementation of this Agreement complies fully with Section 252(e) of the Telecommunications Act of 1996 because the Agreement is consistent with the public interest, convenience and necessity, and does not discriminate against any telecommunications carrier. The Agreement promotes diversity in providers, provides for resale at Commission-approved discounted rates, and increases customer choices for telecommunications services in Missouri.

7. NewPhone respectfully requests that the Commission grant expeditious approval of this Agreement, without change, suspension or other delay in its implementation. This is a bilateral Agreement, reached as a result of negotiations and compromise between competitors, and intervention by other parties is neither necessary nor appropriate.

D. STANDARD FOR REVIEW

8. The statutory standards of review are set forth in Section 252(e) of the Telecommunications Act of 1996 which provides as follows:

- (1) **APPROVAL REQUIRED.**— Any interconnection agreement adopted by negotiation or arbitration shall be submitted for approval to the State commission. A State commission to which an agreement is submitted shall approve or reject the agreement, with written findings as to any deficiencies.
- (2) **GROUND FOR REJECTION.**— The State commission may only reject —
 - (A) an agreement (or portion thereof) adopted by negotiation under subsection (a) if it finds that —
 - (i) the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or
 - (ii) the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity; . . .

9. The Agreement fully complies with the criteria applicable for approval, and does not violate any of the criteria to be applied for rejection. Thus, the Agreement should be approved.

10. NewPhone does not have any pending action or final unsatisfied judgments or unsatisfied judgments of adverse decisions from any state or federal agency or court which involve customer services or rates, which action, judgment, or decision has occurred within three years of the date of this Application.

11. NewPhone does not have any annual report or assessments which are overdue.

E. CONCLUSION

WHEREFORE, Image Access, Inc. d/b/a NewPhone respectfully requests that the Commission approve the attached Resale Agreement between NewPhone and AT&T.

Respectfully submitted,

IMAGE ACCESS, INC. d/b/a NEWPHONE



Jim R. Dry, Vice President

5555 Hilton Avenue

Suite 605

Baton Rouge, Louisiana 70808

Telephone: 225-214-4412

Facsimile: 225-214-4401

jimdry@razorline.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the following document has been mailed electronically this 30th day of June, 2006 to:

Office of the Public Counsel
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102-2230

General Counsel
Missouri Public Service Commission
200 Madison Street
P.O. Box 360
Jefferson City, MO 65102

Robert J. Gryzmala
Attorneys for Southwestern Bell Telephone, L.P.
d/b/a AT&T Missouri
One SBC Center, Suite 3520
St. Louis, MO 63101



JIM R. DRY

VERIFICATION

STATE OF LOUISIANA)
)
 PARISH OF EAST BATON ROUGE)

COMES NOW Jim R. Dry, being of lawful age and duly sworn, who swears and affirms as follows:

1. My name is Jim R. Dry, and I am Vice President of Image Access, Inc. d/b/a NewPhone. In that capacity, I am authorized to verify the statements contained in the Application above, and the information contained therein, on behalf of Image Access, Inc.
2. The information contained in the above-described document is true and accurate to the best of my knowledge and belief.


Jim R. Dry, Vice President

Subscribed and sworn to before me this 30 day of June, 2006.

Paul F. Guarisco

STATE OF MISSOURI



Robin Carnahan
Secretary of State

CORPORATION DIVISION
CERTIFICATE OF GOOD STANDING

ROBIN CARNAHAN, Secretary of the State of Missouri, do hereby certify that the records of my office and in my care and custody reveal that

IMAGE ACCESS, INC.

ing in Missouri the name

IMAGE ACCESS, INC.
F00557526

LOUISIANA entity was created under the laws of this State on the 15th day of December, 2003, and is in good standing, having fully complied with all requirements of this office.

IN TESTIMONY WHEREOF, I have set my hand and imprinted the GREAT SEAL of the State of Missouri, on this, the 29th day of June, 2006

Robin Carnahan

Secretary of State

