

KELLEY DRYE & WARREN LLP

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April 19, 2012

RECEIVED

APR 20 2012

PUBLIC SERVICE  
COMMISSION

Mr. Jeff R. Derouen  
Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
Frankfort, KY 40601

Re: Notification of Image Access, Inc. d/b/a NewPhone Intent to Discontinue Services

Dear Mr. Derouen,

Image Access, Inc. d/b/a NewPhone ("NewPhone" or the "Company"), through the undersigned counsel, respectfully notifies the Kentucky Public Service Commission ("Commission") that it intends to discontinue the provision of prepaid local exchange and interexchange services to customers within the State of Kentucky. In response to changing market conditions, NewPhone has determined that it is no longer economically feasible to offer its current service packages. For this reason, the Company has decided to discontinue all of its currently provided services.<sup>1</sup> The proposed discontinuance will not result in harm to the affected customers because equivalent service offerings are available from other carriers, including the underlying carrier whose services NewPhone resells. In connection with this filing, NewPhone submits the following information:

**I. Description of Discontinuance**

**The Company:**

Image Access, Inc. d/b/a NewPhone  
5555 Hilton Avenue, Suite 415  
Baton Rouge, LA 70808  
Phone: 225-214-4414  
Fax: 225-214-4111

<sup>1</sup> Following implementation of this decision, NewPhone will undertake a strategic re-assessment of the intrastate and national communications markets and determine whether the Company can effectively compete in alternate service categories.

NewPhone provides intrastate services in Kentucky pursuant to authority granted by the Commission.<sup>2</sup> As explained below, the Company does not wish to surrender its authorization at this time.

#### **Date of Proposed Discontinuance**

NewPhone's customers purchase prepaid service on a monthly basis. Customer "renewal" dates occur throughout each month, based upon when individual customers started service. The Company plans to discontinue the provision of services on a schedule synchronized to each customer's renewal date. NewPhone believes that this approach will create the least disruption for its customers. Subject to receipt of any necessary federal and state regulatory authorizations, the proposed disconnections are scheduled to take place starting on June 19, 2012 and ending on July 18, 2012. By July 18, 2012, all affected services will have been disconnected. *Notwithstanding the staggered discontinuance dates, all customers will receive at least 60 days' advance notice of the discontinuance.*

#### **Services to be Discontinued & Affected Customers in Kentucky**

NewPhone provides prepaid flat-rated local exchange and interexchange services to residential customers. At this time, NewPhone serves approximately 21 customers in Kentucky.

#### **Date and Method of Customer Notice**

On April 16 and 17, 2012, NewPhone sent written notice to its customers by first-class mail, informing them that the Company will cease providing prepaid residential local exchange and long distance services and identifying each customer's specific discontinuance date. The notice clearly underscores that customers must make arrangements with another carrier to avoid loss of service and provides a toll-free telephone number that customers may call to reach NewPhone service representatives for assistance with this transition. A sample copy of this notice, which also complies with the requirements of the Federal Communications Commission ("FCC"), is appended as Exhibit A.<sup>3</sup>

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<sup>2</sup> Utility ID 5015200.

<sup>3</sup> NewPhone is filing a Section 63.71 application with the FCC for approval to discontinue domestic interstate services. A copy of that filing will be served on the Commission. The Company does not provide international services.

## **II. Contacts for this Notice**

Questions and correspondence regarding this filing should be addressed to:

Winafred Brantl  
Kelley Drye & Warren LLP  
3050 K Street, NW #400  
Washington, DC 20007  
Phone: (202) 342-8819  
Fax: (202) 342-8451  
[wbrantl@kelleydrye.com](mailto:wbrantl@kelleydrye.com)

with copies to:

Jim Dry  
President  
Image Access, Inc., d/b/a NewPhone  
5555 Hilton Ave., Suite 415  
Baton Rouge, LA 70808  
Phone: 225-214-4414  
Fax: 225-214-4111

## **III. Circumstances of Discontinuance**

As discussed above, NewPhone has determined that market conditions make its current prepaid service offerings economically unfeasible. Consequently, the Company proposes to discontinue these service offerings at this time. Following implementation of this decision, NewPhone will undertake a strategic re-assessment of the intrastate and national communications markets and determine in what manner the Company can most effectively compete in other service categories. Because the Company anticipates that it may again provide regulated intrastate services in Kentucky in the future, NewPhone does not wish to surrender its telecommunications authorization at this time.

## **IV. Public Interest Considerations**

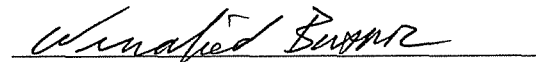
NewPhone's proposed discontinuance is consistent with the public interest. The services offered by NewPhone are available from other providers in the Kentucky market. Consequently, NewPhone's customers will not be unduly harmed as they will be able to transition to new providers. Consistent with Kentucky and FCC requirements, NewPhone's customers have been given sufficient advance notice of the need to select a new provider such that they will be able to

do so in a thoughtful and informed manner. Company representatives will be available at least through July 18, 2012 to assist customers with this process.

**V. Summary**

Subject to any required regulatory approvals, NewPhone expects to implement the proposed discontinuance beginning on June 19, 2012 and ending on July 18, 2012. Should the Commission have any questions regarding this filing, please contact me.

Respectfully submitted,



Winafred Brantl  
Kelley Drye & Warren LLP  
3050 K Street, NW #400  
Washington, DC 20007  
Phone: (202) 342-8819  
Fax: (202) 342-8451  
[wbrantl@kelleydrye.com](mailto:wbrantl@kelleydrye.com)

*Counsel for Image Access, Inc. d/b/a NewPhone*

**Exhibit A**

**Sample Customer Discontinuance Notice**



April 16, 2012

[Customer Name]  
[Address Line 1]  
[City, State, Zip]  
[Telephone Number]

**Notice of Discontinuance of Your Telephone Service  
by Image Access, Inc. d/b/a NewPhone ("NewPhone")**

Dear NewPhone Customer:

Image Access, Inc. d/b/a NewPhone ("NewPhone") regrets to inform you that it is preparing to cease providing prepaid local and long distance service to all of its customers throughout its service areas.<sup>1</sup> **In order to avoid a disruption in telephone service, you must make arrangements for service with a new telephone company before your cut-off date (listed below).** The names and telephone numbers of local telephone service companies, which also typically provide long distance service, are listed in your telephone directory. Customer service representatives at these companies will help you to select services to most effectively replace your current NewPhone service. If you arrange for new service before your NewPhone service is terminated and wish to keep your current telephone number(s), please be sure to address this with your new service provider.

To ease this process for our customers, NewPhone is scheduling the discontinuance of your service to occur at the end of a billing cycle. **Subject to regulatory approval, your service cut-off date is [Cut-Off Date]. If you do not arrange to have your telephone service provided by a new telephone company prior to [Cut-Off Date], you may lose telephone service (which means that you will be unable to make local calls including 911) and you may not be able to keep your current telephone number(s) with the new service provider.** Effective with this notice, NewPhone will no longer make any changes to or reconnect existing service and will not accept orders for new service.

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<sup>1</sup> NewPhone provides prepaid local and long distance service to residential customers in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

The Federal Communications Commission requires us to provide you with the following notice in connection with its review of the proposed discontinuance:

*The FCC will normally authorize this proposed discontinuance of service unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments as soon as possible, but no later than 15 days after the Commission releases public notice of the proposed discontinuance. Address them to the Federal Communications Commission, Wireline Competition Bureau, Competition Policy Division, Washington, DC 20554, and include in your comments a reference to the § 63.71 Application of Image Access, Inc. d/b/a NewPhone. Comments should include specific information about the impact of this proposed discontinuance upon you or your company, including any inability to acquire reasonable substitute service.*

We thank you for being a NewPhone customer and wish you well with your new provider. Should you have any questions, please contact NewPhone at 800-444-4080.

Sincerely,

**Image Access, Inc. d/b/a NewPhone**  
5555 Hilton Avenue, Suite 415  
Baton Rouge, LA 70808

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**Message for Mississippi Customers:** NewPhone does not collect deposits from its customers; however, pursuant to Mississippi law, we are required to advise you that any deposits held by the Company will be applied to your final bill. If the amount of a deposit exceeds the final bill amount, refunds will be issued within forty-five (45) days of the final bill date.

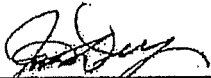
VERIFICATION

State of Louisiana

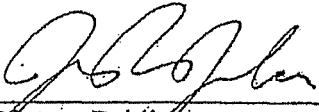
Parish of East Baton Rouge

I, Jim R. Dry, state that I am President of Image Access, Inc. d/b/a NewPhone ("NewPhone"), and am authorized to represent NewPhone, and to make this verification on its behalf. The statements in the foregoing document relating to NewPhone, except as otherwise specifically attributed, are true and correct to the best of my knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct.

  
\_\_\_\_\_  
Name: Jim R. Dry  
Title: President

Subscribed and sworn to before me this 12<sup>th</sup> day of April 2012

  
\_\_\_\_\_  
Notary Public  
J. Brian Duban (LSB 28106)

My Commission expires: at death

