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August 27, 2012

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VIA OVERNIGHT DELIVERY

PUBLIC SERVICE  
COMMISSION

Jeff DeRouen  
Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
Frankfort, KY 40601

**Re: YMax Communications Corp. Revision to Kentucky Tariff No. 2, Switched  
Access Services  
Case No. 2012-00257**

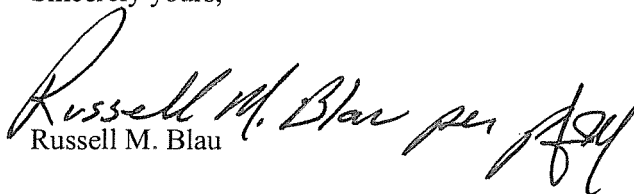
Dear Mr. DeRouen:

Enclosed for filing in the above-referenced case is the original and ten copies of the Motion of YMax Communications Corp. to Close Proceeding.

An extra copy of this filing is also attached. Please date stamp and return it in the attached postage prepaid envelope.

Please contact me if you have any questions. Thank you for your attention to this matter.

Sincerely yours,

  
Russell M. Blau

Enclosures

cc: Parties of Record (via first-class U.S. mail)

- Beijing
- Boston
- Frankfurt
- Hartford
- Hong Kong
- London
- Los Angeles
- New York
- Orange County
- San Francisco
- Santa Monica
- Silicon Valley
- Tokyo
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**COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION**

In the Matter of:

YMAX COMMUNICATIONS CORP. REVISION TO	)	
KENTUCKY TARIFF NO. 2, SWITCHED ACCESS	)	CASE NO. 2012-00257
SERVICES	)	

**MOTION OF YMAX COMMUNICATIONS CORP.  
TO CLOSE PROCEEDING**

YMax Communications Corp. (“YMax”), by and through its undersigned counsel, hereby moves the Kentucky Public Service Commission (“Commission”) to close this tariff proceeding because the suspended tariff pages at issue in this case have been withdrawn. In support of this Motion, YMax states as follows:

1. On June 1, 2012, YMax filed revisions to its Kentucky Tariff No. 2 (“June 1 Tariff Filing”). The proposed effective date of the tariff revisions was July 1, 2012. The June 1 Tariff Filing stated that the revised tariff pages were being filed to implement the FCC’s *ICC/USF Order*<sup>1</sup> regarding the treatment of Toll VoIP-PSTN traffic and incorporate other changes to bring the tariff into alignment with YMax’s FCC interstate access services tariff.

2. The substantive proposed revisions to YMax’s Kentucky Tariff No. 2 associated with the June 1 Tariff Filing were incorporated into proposed revised tariff pages 4-6, 9-11, 23, 46-49, 59-61 and new original pages 23.1-23.5.<sup>2</sup>

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<sup>1</sup> *In re Connect America Fund, et al.*, 26 FCC Rcd 17663 (2011) (“*ICC/USF Order*”), petitions for recon. pending, petitions for review pending, *In re FCC 11-161*, No. 11-9900, et al. (10th Cir.).

<sup>2</sup> Page 1 that was revised was a check sheet that simply indicated the updates made to the other pages of the tariff in the June 1 Tariff Filing.

3. On June 15, 2012, AT&T<sup>3</sup> filed a Motion for Leave to Intervene, to Suspend and Investigate Tariff Application associated with YMax's June 1 Tariff Filing, claiming, among other things, that YMax's proposed tariff changes did not comply with FCC's *ICC/USF Order*.

4. On June 28, 2012, the Commission suspended for further proceedings YMax's proposed tariff changes with the exception of the rates contained in First Revised Page 59 of the June 1 Tariff Filing.<sup>4</sup> The Commission also permitted AT&T and Verizon<sup>5</sup> to intervene in this proceeding on June 28, 2012 and July 26, 2012, respectively.

5. On August 23, 2012, YMax filed a notice that YMax was withdrawing the pages included in its June 1 Tariff Filing that the *June 28 Order* suspended.

6. No procedural schedule has been established in this case and there has been no other substantive activity in this case.

7. Because YMax withdrew the pages of its June 1 Tariff Filing that the *June 28 Order* suspended, there are no issues to resolve in this proceeding.

8. Good cause exists to grant this Motion because YMax does not wish to expend valuable resources addressing challenges to the suspended tariff pages that it withdrew. All issues associated with these pages are now moot and therefore, this proceeding should be closed. Moreover, no party is prejudiced by closing this proceeding because the suspended tariff pages never went into effect.

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<sup>3</sup> BellSouth Telecommunications, LLC d/b/a AT&T Kentucky ("AT&T Kentucky"), AT&T Communications of the South Central States, LLC, and TCG Ohio (collectively "AT&T").

<sup>4</sup> YMax Communications Corp. Revision to Kentucky Tariff no. 2, Switched Access Services, Case No. 2012000257 (Ky. P.S.C. June 28, 2012) ("*June 28 Order*").

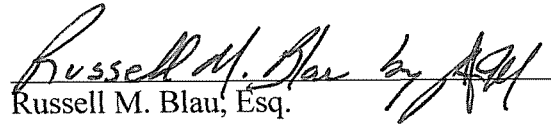
<sup>5</sup> MCI Communications Services, Inc. d/b/a Verizon Business Services, Bell Atlantic Communications, Inc. d/b/a Verizon Long Distance, NYNEX Long Distance Company d/b/a Verizon Enterprise Solutions, TTI National, Inc., Teleconnect Long Distance Service & Systems d/b/a Telecom USA and Verizon Select Services, Inc. (collectively, "Verizon").

WHEREFORE, YMax respectfully requests that the Commission close this proceeding.

Dated this 27th day of August 2012.

Respectfully submitted,

YMax Communications Corp.

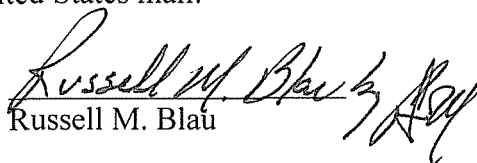
Handwritten signature of Russell M. Blau in cursive script.

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Counsel for YMax Communications Corp.

CERTIFICATE OF SERVICE

I certify that on this 27th day of August, 2012 that a true and accurate copy of the above and foregoing Motion of YMax Communications Corp. to Close Proceeding has been served upon the following persons by first-class United States mail.

  
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