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April 19, 2012

BY HAND DELIVERY

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, D.C. 20554

120000-07

12 APR 23 AM 9:59

Re: Image Access, Inc. d/b/a NewPhone Section 63.71 Application

Dear Ms. Dortch:

On behalf of Image Access, Inc. d/b/a NewPhone ("NewPhone") and pursuant to Section 63.71 of the Federal Communications Commission's rules, 47 C.F.R. § 63.71(b), enclosed please find an original and four copies of NewPhone's Section 63.71 Application for the discontinuance of selected domestic telecommunications services.

Also enclosed is a duplicate of this filing. Kindly date-stamp the duplicate and return it to the courier.

Respectfully submitted,



Winafred Brantl

Counsel to Image Access, Inc. d/b/a NewPhone

Enclosures

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of )  
 )  
Section 63.71 Application of )  
Image Access, Inc., d/b/a NewPhone )

**SECTION 63.71 APPLICATION**

Image Access, Inc., d/b/a NewPhone (“NewPhone,” the “Company” or “Applicant”) hereby seeks authorization pursuant to Section 214(a) of the Communications Act of 1934, as amended (the “Act”), 47 U.S.C. § 214, and Section 63.71 of the Commission’s rules, 47 C.F.R. § 63.71, to discontinue its provision of selected domestic telecommunications – specifically resold prepaid local exchange and long distance services – to its customers throughout the Company’s service territory.

NewPhone, a Louisiana corporation formed in 1997, operates as a provider of domestic competitive telecommunications services throughout the BellSouth region and in two other states. Specifically, NewPhone offers its customers a prepaid package of basic residential local exchange and interexchange<sup>1</sup> services in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee. The Company also holds authority in Arkansas and Indiana, but has no customers in those states at this time. NewPhone does not provide international services.

In response to changing market conditions, NewPhone has determined that it is no longer economically feasible to offer its current service package. For this reason, the Company has

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<sup>1</sup> NewPhone provides both intrastate and interstate long distance services.

decided to discontinue all of its currently provided services.<sup>2</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 carriers whose services NewPhone resells. One or more other carriers in each state provide similar prepaid packages and many more carriers, including the incumbent carrier in each area, provide these on a post-paid basis.

The Applicant provides the following information pursuant to Section 63.71 of the Commission's Rules:

1. Name and Address of Carrier: Image Access, Inc., d/b/a NewPhone is headquartered at 5555 Hilton Avenue, Suite 415, Baton Rouge, Louisiana 70808.

2. Date of Planned Service Discontinuance, Reduction or Impairment: 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 necessary federal and state regulatory authorizations<sup>3</sup>, the proposed disconnections are scheduled to take place starting on or about June 19, 2012 and ending on or about July 18, 2012. By the end of 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.*

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<sup>2</sup> 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 with other service offerings.

<sup>3</sup> NewPhone understands that this application will be granted automatically on the 31<sup>st</sup> day after public notice of filing unless the Commission notifies the Company to the contrary.

3. Points of Geographic Areas of Service Affected: NewPhone proposes to discontinue the provision of prepaid local exchange and interexchange services, currently provided to customers in the following states: Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee. As noted previously, the Company also holds authority in Arkansas and Indiana but has no customers in those states at this time.

4. Brief Description of Type of Service Affected: The communications services provided to the affected NewPhone customers consist of prepaid flat-rate residential local exchange and interexchange services.

5. Brief Description of the Dates and Methods of Notice to All Affected Customers: On April 16 and 17, 2012, NewPhone sent written notice to affected customers by first-class mail in accordance with the requirements of Section 63.71(a) of the Commission's rules, informing them that the Company will cease provision of prepaid residential local 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 the notice sent to the Company's customers is appended as Exhibit A.

6. Whether the Carrier is Considered Dominant or Non-Dominant with Respect to the Service to Be Discontinued, Reduced or Impaired: Applicant is considered non-dominant with respect to the affected services.


In accordance with Section 63.71 of the Commission's Rules and concurrent with this filing, a copy of this Application is being mailed to (i) the Governors and Public Service Commissions of Alabama, Arkansas, Florida, Georgia, Indiana, Kentucky, Louisiana,

Mississippi, North Carolina, South Carolina and Tennessee and (ii) to the Special Assistant for Telecommunications for the Secretary of Defense.

Additional questions regarding this application should be addressed to the undersigned.

Respectfully submitted,

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

By: \_\_\_\_\_

Joan M. Griffin

Winafred R. Brantl

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Its Attorneys

Dated: April 19, 2012



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.

<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.

## CERTIFICATE OF SERVICE

I hereby certify that the foregoing Section 63.71 Application was served this 19<sup>th</sup> day of April, 2012, by mailing true and correct copies thereof, postage prepaid, to the following persons at the addressed listed below.

Secretary of Defense  
Attn: Special Assistant for  
Telecommunications  
Pentagon  
Washington, D.C. 20301

Alabama  
Office of Governor Robert Bentley  
State Capitol  
600 Dexter Avenue  
Montgomery, AL 36130-2751

Arkansas  
Office of Governor Mike Beebe  
State Capitol  
Room 250  
Little Rock, AR 72201

Florida  
Office of Governor Rick Scott  
PL 05 The Capitol  
400 South Monroe Street  
Tallahassee, FL 32399-0001

Georgia  
Office of Governor Nathan Deal  
203 State Capitol  
Atlanta, GA 30334

Indiana  
Office of Governor Mitch Daniels  
State House  
Room 206  
Indianapolis, IN 46204-2797

Kentucky  
Office of Governor Steven L. Beshear  
700 Capitol Ave., Suite 100  
Frankfort, KY 40601

Louisiana  
Office of Governor Bobby Jindal  
P. O. Box 94004  
Baton Rouge, LA 70804-9004

Mississippi  
Office of Governor Haley Barbour  
P.O. Box 139  
Jackson, MS 39205

North Carolina  
Office of Governor Beverly Perdue  
Office of the Governor  
20301 Mail Service Center  
Raleigh, NC 27699-0301

South Carolina  
Office of Governor Nikki R. Haley  
1205 Pendleton Street  
Columbia, SC 29201

Tennessee  
Office of Governor Bill Haslam  
Tennessee State Capitol  
Nashville, TN 37243-0001

Mr. Walter L. Thomas, Jr.  
Commission Secretary  
Alabama Public Service Commission  
Suite 850  
100 North Union Street  
Montgomery, AL 36104



Ms. Jan Sanders  
Commission Secretary  
Arkansas Public Service Commission  
1000 Center Street  
Little Rock, AR 72201

Ms. Ann Cole  
Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399

Mr. Reece McAlister  
Executive Secretary  
Georgia Public Service Commission  
244 Washington Street  
Atlanta, GA 30334

Indiana Utility Regulatory Commission  
Communications Division  
PNC Center  
101 West Washington Street  
Suite 1500 East  
Indianapolis, IN 46204

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

Eve Kahao Gonzalez  
Secretary  
Louisiana Public Service Commission  
602 North 5th Street  
Baton Rouge, LA 70802

Mr. Brian U. Ray, Executive Secretary  
Mississippi Public Service Commission  
P.O. Box 1174  
Jackson, Mississippi 39215-1174

Ms. Renne Vance  
Chief Clerk  
North Carolina Utilities Commission  
430 North Salisbury Street  
Raleigh, NC 27603-5918

Jocelyn Boyd  
Executive Director  
South Carolina Public Service Commission  
PO Drawer 11649  
Columbia, SC 29211

Ms. Sharla Dillon  
Dockets & Records  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37243

  
Winafred R. Brantl