

Ruth Nettles

From: Angela Janssen [ajanssen@telecomcounsel.com]
Sent: Friday, December 19, 2008 3:21 PM
To: Filings@psc.state.fl.us
Cc: Lance Steinhart
Subject: Image Access, Inc. d/b/a NewPhone
Importance: High
Attachments: FL Data Request Response Filing2.pdf

Attached please find 2nd Data Request Responses for Image Access, Inc. d/b/a NewPhone; Docket No. 080523-TX. The original filing will be sent via overnight delivery to the Commission.

Thanks -

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December 19, 2008

**VIA ELECTRONIC FILING AND
OVERNIGHT DELIVERY**

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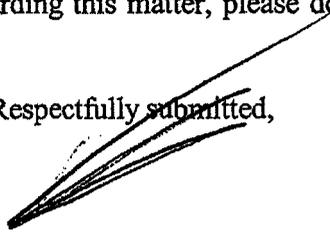
RE: Image Access, Inc. d/b/a NewPhone
Docket No. 080523-TX

Dear Ms. Salak:

Pursuant to your letter dated September 16, 2008, enclosed please find original follow-up data request responses for Image Access, Inc. d/b/a NewPhone ("NewPhone").

If you have any questions regarding this matter, please do not hesitate to call me. Thank you for your attention to this matter.

Respectfully submitted,


Lance J.M. Steinhart, Esq.
Attorney for Image Access, Inc. d/b/a NewPhone

Enclosures

cc: Mr. Jim R. Dry
Bob Casey - via e-mail
Catherine Beard - via e-mail

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General Data Requests for 080523-TX

32. Did NewPhone enter into the interconnection agreement with AT&T in Missouri for the purpose of requesting ETC status in Missouri? What was the reason NewPhone decided to not do business in Missouri, but has chosen to apply in Florida?

RESPONSE: No. We are already doing business in Florida and several other states. We felt we didn't have sufficient resources to advertise and service another state even though we had applied in Missouri.

33. Does NewPhone have any plans for operating its own facilities in the future, or will it strictly be interconnecting and reselling through AT&T?

RESPONSE: We have no plans to operate our own facilities at this time. We will strictly be interconnecting and reselling through AT&T.

34. In response to data request no. 6, NewPhone stated, that it is currently using television to advertise available Lifeline discounts. Do NewPhone's advertisements specifically state that there is an available discount for a Lifeline qualified consumer? If so, what is the discount?

RESPONSE: Our television advertisements state that a customer can get our reduced rate by qualifying for the Lifeline program. Qualified Lifeline customers get a free first month of service and in Florida \$11.77 discount off each month thereafter.

35. In response to data request no. 8, NewPhone stated that its average customer bill is \$44.19. If the service is prepaid, wouldn't this be the actual bill for each customer, without additional long-distance charges?

RESPONSE: Even though the service is prepaid we send the customer a "bill" each month to remind them they must prepay before they receive the next month of service.

36. In response to data request no. 11, NewPhone provided a list of wire centers in the non-rural areas of AT&T that it is requesting ETC status in. Were any AT&T wire centers omitted?

RESPONSE: Not to our knowledge, our intent is to service the entire AT&T service area.

37. Is directory assistance part of the basic local service charge to customers?

RESPONSE: Yes

38. Where does NewPhone maintain the records mentioned in response to data request 16?

RESPONSE: All of our Lifeline records are kept at 5555 Hilton Ave., Suite 415 Baton Rouge, LA 70808.

39. Is NewPhone service only offered as a prepaid service or are there other payment options for customers?

RESPONSE: Prepaid only.

40. Does NewPhone offer services that are not bundled packages, or do customers only have the option to subscribe to a package?

RESPONSE: We do offer service that is not a bundled package.

41. Based on NewPhone's response to data request no. 30, is competition the only purpose for wanting ETC status in Florida?

RESPONSE: No, as previously stated, NewPhone's purpose for requesting ETC status in Florida is to service a public interest group that has been neglected by the main carriers. NewPhone will make more eligible consumers aware of the Lifeline and Link-Up programs, and provide such service at a discounted rate, by applying the credit amounts, and the additional \$3.50 Florida ETC credit.

42. When NewPhone was asked if it would seek Lifeline reimbursement from USAC if granted ETC status, it listed the amount per customer NewPhone would be claiming is \$13.50. Does NewPhone understand that it can only seek the maximum of \$10.00 from USAC and NewPhone would provide the remaining \$3.50 per month credit?

RESPONSE: Yes, we understand that we can only seek the maximum of \$10.00 from USAC and NewPhone would provide the remaining \$3.50 per month credit.

43. On page 5 of NewPhone's application for ETC status, NewPhone states that it utilizes a functional equivalent of dual tone multi-frequency signaling. Please explain in more detail the out-of-band digital signaling that NewPhone uses.

RESPONSE: Page 5 of the application was not correct, New Phone provides dual tone multi-frequency signaling, the same which is provided by AT&T, and as required by ETC rules and regulations.

44. On page 11 of it's application, NewPhone discusses its compliance with the FCC's requirement to commit to provide service throughout its proposed designated service area to all customers making reasonable requests for service. What does NewPhone consider to be a reasonable request, and how soon do new customers requesting service, receive service?

RESPONSE: We will provide service to any customer requesting service in our designated area. Once the Lifeline form has been received customers will receive their service within three to five business days.

45. In the affidavit signed by Jim R. Dry, section 5e. refers to advertising the availability of LifeLine and Link-Up using television advertisements, newspaper advertisement and customer brochures. However, in the response to data request no. 6, NewPhone stated that it would be using television advertisements. Will it also use newspaper advertisements and customer brochures?

RESPONSE: We currently use television exclusively. We are researching the idea of using newspaper and customer brochures but have not made a final decision.

46. Item No. 4 of NewPhone's proposed Lifeline Price List requires "proof of eligibility in any of the qualifying low-income assistance programs." Is NewPhone aware that Florida has a Lifeline self-certification process whereby a Lifeline applicant simply checks a box on the application showing which qualifying program he/she participates in and signs the application under penalty of perjury? No "proof of eligibility" other than the applicant's attestation is required.

RESPONSE: Yes, NewPhone is aware that Florida has a Lifeline self-certification process whereby a Lifeline applicant simply checks a box on the application showing which qualifying program he/she participates in and signs the application under penalty of perjury.

47. Mr. Jim Dry's affidavit in support of NewPhone's petition states that NewPhone will pass through to its Lifeline and Link-Up eligible customers all discounts and waivers required by FCC rules. Will NewPhone also provide the additional \$3.50 per month credit required by Florida?

RESPONSE: Yes

48. In response to data request no. 22, it states that Jim Dry, Gene Dry and Richard Jaubert are the sole owners of New Phone and are not owners, corporate officers, or employees of any other telecommunications companies. Please describe any relationship owners, officers or employees of NewPhone have with Razorline, L.L.C. and what services Razorline provides.

RESPONSE: Razorline does not provide regulated telecommunications services. Jim Dry, Gene Dry and Richard Jaubert are Owners of Razorline. Razorline is an enhanced service provider. It provides a Hosted PBX service using Voice over Internet Protocol technology exclusively to business customers. Razorline utilizes either a private managed data connection or an internet connection back to our soft switch located in New Orleans, LA. It gets local trunking through a national SIP-trunking provider. Razorline is also an Internet Service Provider (ISP) and provides web hosting and email services to its customers.

49. In response to data request no. 1, NewPhone states that it currently offers Lifeline products in the AT&T service areas under resale. Please list each state that NewPhone is authorized to provide telecommunications service.

RESPONSE: NewPhone is authorized to provide, and is providing, telecommunications service in Louisiana, Mississippi, Alabama, Florida, South Carolina, North Carolina, Tennessee, Georgia, Kentucky, Indiana and Arkansas. We are also authorized in Texas but are not now nor have we ever provided service in Texas.

50. Of the 858 residential customers mentioned in response to data request no. 5, how many are presently receiving Lifeline credits and how much is the credit?

RESPONSE: As of 11/02/2008 750 customers are receiving Lifeline credits. 542 are getting \$11.77 and 208 are getting \$10.00.

51. NewPhone provided TLS costs it plans to charge Lifeline customers in response to data request no. 24.
- a. Please describe what functions NewPhone will provide in the one-time installation charge of \$7.82, monthly recurring charge of \$3.87, and cost to administer per customer/per month charge of \$0.50?
 - b. Do these charges include any overhead costs? If so, how much?
 - c. Do these charges include any equipment costs? If so, list the equipment. Is this equipment used exclusively for TLS purposes or can it be used for other purposes?
 - d. Does AT&T charge NewPhone for Toll Limitation Services for Lifeline customers?

RESPONSE:

- a. The one-time installation charge of \$7.82, and monthly recurring charge of \$3.87 is a pass through of what the company is charged by AT&T (See 52 below). The \$.50 per month charge is the cost of labor to explain toll limitation service.
 - b. No overhead cost
 - c. No equipment cost
 - d. Yes, See 52 below.
52. In response to data request no. 25, NewPhone states it will seek a \$30.00 Link-Up reimbursement from USAC. What does AT&T charge NewPhone for initiation of service for a new Lifeline customer?

RESPONSE: AT&T charges \$7.82 one-time for toll limitation services, and AT&T charges \$3.87 monthly recurring charge. AT&T also charges NewPhone \$35.96 for initiation of service.

53. Exhibit C of NewPhone's responses to staff's data request contains a sample customer bill.
- a. What state does this customer reside in?
 - b. What is the SOMEK amortization fee of \$2.00?
 - c. Please breakdown the 911 and other municipal taxes of \$1.20.
 - d. How was the \$1.77 state Lifeline credit calculated?

RESPONSE: A. Florida

B. This is a pass through of the SOMEK charges that AT&T bills us.

C. We no longer have this line item on our bill. Since we converted our billing system to QuickTel, they list all items separately on each bill. Our old system could not do that.

D. The \$11.77 is a credit we receive on our bill from AT&T when we order Lifeline service. They have recently disallowed the \$1.77 credit.