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DATE STAMP & RETURN

12-118

April 19, 2012

BY HAND DELIVERY

FILED/ACCEPTED

APR 19 2012

Federal Communications Commission
Office of the Secretary

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

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

DC01/BRANW/475927.1

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

In the Matter of	)	
	)	
Section 63.71 Application of	)	12-118
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[1] 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

[1] NewPhone provides both intrastate and interstate long distance services.

decided to discontinue all of its currently provided services.[2] 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[3], 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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2 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.

3 NewPhone understands that this application will be granted automatically on the 31st 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
Kelley Drye & Warren LLP
3050 K Street, NW – Suite 400
Washington, DC 20007
Tel: (202) 342-8819
E-Mail: wbrantl@kelleydrye.com

Its Attorneys

Dated: April 19, 2012

EXHIBIT 1

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.[1] **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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[1] 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

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 19th 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

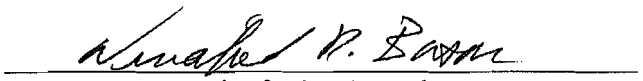
Eve Kahao Gonzalez
Secretary
Louisiana Public Service Commission
602 North 5th Street
Baton Rouge, LA 70802

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