

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

3525 Causeway, Suite 501  
Metairie, LA 70002

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T.R.A. DOCKET ROOM

May 13, 2003

Ms. Sara Kyle, Chairman  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37243-0505

Re: Docket # 03-00270  
Application of Image Access, Inc. d/b/a NewPhone For a Certificate to  
Provide Competing Local Telecommunications Services.  
Our File No. 1025-01

Dear Ms. Kyle:

In response to the Tennessee Regulatory Authority's (TRA) April 29, 2003 request for information concerning the above-referenced matter, Image Access, Inc. d/b/a NewPhone, respectfully provides the below responses:

1. Numbering Issues

Q1: What is your company's expected demand for NXXs per NPA within a year of approval of your application?

A1: None. Image Access provides service in Tennessee by reselling the underlying local telecommunications services of BellSouth Telecommunications, Inc. on a pre-paid basis. The TRA granted Image Access a Certificate of Convenience and Necessity as an operator service provider and/or reseller of telecommunications services for state-wide service in Tennessee on June 14, 1999. Image Access has been operating successfully in Tennessee as a reseller of BellSouth's local service since that time. Upon certification, Image Access shall continue to provide resold prepaid local telecommunications services in all of the BellSouth service areas of the state. Image Access has executed a 9-state comprehensive interconnection agreement with BellSouth, which allows Image Access to provide service to end users through the purchase of unbundled network elements (UNEs) from BellSouth in addition to continuing to resell BellSouth's local retail services. Image Access has no present plans to install its own equipment in Tennessee to provide service. However, Image Access decided to execute a comprehensive interconnection agreement with BellSouth so that it would have the option and ability to provide services to end users by purchasing UNEs from BellSouth, in particular the UNE-P, in addition to being able to provide

service via the resale of BellSouth's local retail services. In addition, Image Access may provide local service to end users by purchasing the UNE-P from BellSouth if and when it determines to do so would be economically viable.

Q2: How many NXXs do you estimate that you will request from NANPA when you establish your service footprint?

A2: None. See response A1 above.

Q3: When and in what NPA do you expect to establish your service footprint?

A3: Image Access shall continue to provide resold prepaid local telecommunications services in all of the BellSouth service areas of the state. The TRA granted Image Access a Certificate of Convenience and Necessity as a reseller of telecommunications services state-wide in Tennessee on June 14, 1999. Image Access has been operating successfully in Tennessee since that time. In the above-referenced proceeding, Image Access is requesting that the TRA grant it a Certificate of Convenience and Necessity to operate as a competing telecommunications service provider and authority to provide local exchange telecommunications service on a facilities and resale basis in the service areas of BellSouth, GTE and Sprint and any other ILEC that does not enjoy a rural exemption under Section 251(f) of the Telecommunications Act of 1996. Upon certification as a competitive local exchange carrier, Image Access will continue to advertise throughout the state the offering to provide local phone service. Image Access is willing and able to comply with all applicable rules and regulations in Tennessee pertaining to the provision of competing local telecommunications services.

Q4: Will the company sequentially assign telephone numbers within NXXs?

A4: See responses above. The company will not be assigning telephone numbers within NXXs.

Q5: What measure does the company intend to take to conserve Tennessee numbering resources?

A5: See responses above. The company will not be assigning telephone numbers within NXXs.

Q6: When ordering new NXXs for growth, what percentage fill of an existing NXX does the company use to determine when a request for a new NXX will be initiated?

A6: See responses above. The company will not be assigning telephone numbers within NXXs.

2. Tennessee Specific Operational Issues

Q1: How does the company intend to comply with TCA §65-21-114? In its description, please explain technically how the company will not bill countywide calls within Tennessee.

A1: The company provides local services to end users on a prepaid basis by reselling the underlying local telecommunications services of BellSouth. Thus, the company's calling plans will track those of BellSouth's as filed with and approved by the TRA pursuant to BellSouth's retail service tariffs. Additionally, the company does not provide toll services to end users. The company provides prepaid basic local service and blocks toll calls. Thus, end users in Tennessee will not be billed toll charges by the company for countywide calls within Tennessee.

Q2: Is the company aware of the Tennessee County Wide Calling database maintained by BellSouth and the procedures to enter your telephone numbers on the database?

A2: See responses A1 – A6 above. The company will not have any telephone numbers to enter into the database as it will be providing service by reselling BellSouth's local retail telecommunications services, or by utilizing the UNE-P. However, the company will obtain the necessary information from BellSouth to make it aware of the Tennessee County Wide Calling database and the procedures to enter telephone numbers therein.

Q3: Is your company aware of the local calling areas provided by the Incumbent Local Exchange Carriers in your proposed service areas?

A3: Yes. The company is aware of the local calling areas provided by BellSouth in Tennessee.

Q4: Explain the procedures that will be implemented to assure that your customers will not be billed long distance charges for calls within the metro area.

A4: Please see response A1 above. Jim R. Dry, 3525 Causeway Blvd., Suite 501, Metairie, LA 70002.

Q5: Please provide the name and telephone number of an employee of your company that will be responsible to work with the TRA on resolving customer complaints.

A5: Jim R. Dry, Vice President and Chief Financial Officer, 3525 North Causeway Blvd., Suite 501, Metairie, LA 70002, telephone numbers: 877-801-3131 or 225-767-6844. See also Exhibit J of the company's Application, which is the Pre-filed direct testimony of Jim R. Dry.

Q6: Does the company intend to telemarket its services in Tennessee? If yes, is the company aware of the telemarketing statutes and regulations found in TCA §65-4-104 *et seq.*, and Chapter 1220-4-11?

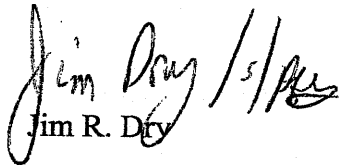
A6: The company does not telemarket its services to end users in Tennessee. The company does not intend to telemarket its services to end users in Tennessee. However, if the company ever intends to telemarket its services to end users in Tennessee, it shall comply with the requirements of TCA §65-4-104 *et seq.*, and Chapter 1220-4-11.

3. Please provide a Toll Dialing Parity Plan.

Please see attached.

Please contact me if the TRA has any additional questions, or wishes additional information concerning Image Access' pending application before the TRA.

Sincerely,

  
Jim R. Dry

JRD/mkp

**IMAGE ACCESS, INC. d/b/a NEWPHONE  
DIALING PARITY PLAN**

**1. OBJECTIVE/PURPOSE**

The intent of this Dialing Parity Plan is to permit Customers to route intraLATA toll calls automatically, without the use of access codes, to any interexchange carrier ("IXC") of the Customer's choice that has established itself as an access Customer under NewPhone's Access Services Tariff that NewPhone will file prior to providing intrastate toll access services in Tennessee.

**II. IMPLEMENTATION SCHEDULE**

NewPhone has been providing resold basic local exchange service in Tennessee since 1999. NewPhone will notify various IXCs regarding its plans to provide intrastate toll services when it is ready to launch same in Tennessee. In addition, NewPhone will develop an information package to send to each inquiring IXC, after notification, which explains how access service can be obtained from NewPhone.

**III. CARRIER SELECTION PROCEDURES**

NewPhone will implement a full 2-PIC carrier selection methodology. With the full 2-PIC methodology, Customers will be able to presubscribe to the same or a different participating telecommunications carrier for intraLATA toll calls. Processes will be established to provide new Customers with an opportunity to choose their intraLATA toll carrier. Company employees who communication with the public, accept orders and serve in customer service capacities will be trained to explain to Customers the availability of 2-PIC equal access, and to assist Customers in making an initial PIC choice or in changing a PIC choice for intraLATA and interLATA toll calls.

#### **IV. NEW CUSTOMERS**

Customers who contact NewPhone requesting telephone interexchange toll service, if and when NewPhone offers such services to Customers in Tennessee, will be informed of the opportunity to choose both an intraLATA and interLATA PIC. If requested by the Customer, NewPhone will provide a list of telecommunications carriers, including NewPhone, that are access Customers and are maintaining a relationship with NewPhone pursuant to the provisions of the Company's Access Services Tariff. The list of intraLATA toll carriers will be presented in a competitively neutral manner to new Customers who do not make a positive choice for an intraLATA carrier.

#### **V. EXISTING CUSTOMERS**

As indicated above, NewPhone has been providing pre-paid local exchange service in Tennessee since 1999 by reselling the underlying retail local services of BellSouth. NewPhone does not provide toll services to end users at this time. However, if and when the Company proposes to provide toll services in Tennessee, it shall include intraLATA equal access as a feature of the Company's Tennessee local exchange service and will provide notification to existing Customers at that time.

#### **VI. CARRIER NOTIFICATION**

Interexchange carriers that desire to become access Customers shall notify NewPhone via letter or telephone call of their desire to obtain Exchange Access Service information or by completing an Access Service Request ("ASR") form. NewPhone will send each requesting carrier an information package describing NewPhone's service, processes and applicable tariffs. Once NewPhone receives and processes an IXC's Access Service Request, that carrier will be added to the list of participating carriers made available to a requesting Customer trying to choose a PIC. NewPhone will provide notice of those switches available for exchange access services to IXCs by identifying those switches in NECA Tariff FCC No. 4. In addition, NewPhone will include a list of available switches in its information package provided to each IXC in response to an inquiry.