

**BEFORE THE
TENNESSEE REGULATORY AUTHORITY**

**BELLSOUTH TELECOMMUNICATIONS, INC.
D/B/A AT&T SOUTHEAST D/B/A AT&T
TENNESSEE**

DOCKET NO. 10-00006

VS.

IMAGE ACCESS, INC. D/B/A NEWPHONE

**MOTION FOR LEAVE TO FILE AMENDED DEFENSES, ANSWER
AND COUNTER-CLAIM OF IMAGE ACCESS, INC. d/b/a NEWPHONE**

Image Access, Inc. d/b/a NewPhone ("NewPhone") respectfully requests leave to file its Amended Defenses and Answer, and Counter-Claim of Image Access, Inc. d/b/a NewPhone.

1.

The Amended Defenses, Answer and Counter-Claim of Image Access, Inc. d/b/a NewPhone is being filed for the purpose of supplementing and clarifying Paragraph 2 of its Counter-Claim.

2.

NewPhone's instant motion is consistent with the Parties' Joint Motion on Procedural Issues filed May 12, 2010, and will not cause delay or prejudice in the above-captioned docket or in the consolidated docket.¹ With this filing, NewPhone accepts as is the Authority's Order Holding Docket in Abeyance issued herein (*See* Order Holding Docket in Abeyance, Convening a Consolidated Docket and Appointing a Hearing Officer, dated July 14, 2010).

¹ Pursuant to the Authority's Order Holding Docket in Abeyance, Convening a Consolidated Docket and Appointing a Hearing Officer, dated July 14, 2010, this docket has been consolidated with Docket Nos. 10-00004, 10-00005, 10-00007, and 10-00008, for the purpose of addressing certain common issues among these dockets. See Docket No. 10-00152.

3.

Allowing NewPhone to supplement and clarify Paragraph 2 of its Counter-Claim at this stage of the proceeding does not prejudice any party because this docket is currently being held in abeyance pursuant to the Commission's Order Granting Joint Motion on Procedural Schedule, dated, dated July 8, 2010, and the filing of this amended pleading neither expands nor contracts the issues before the Authority in the Consolidated Phase of Docket Nos. 10-0004 through 10-0008.

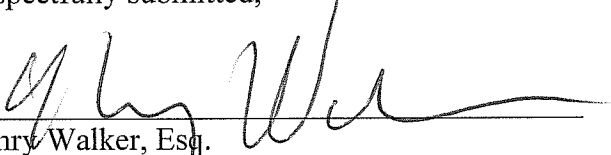
4.

Counsel for NewPhone has contacted counsel for AT&T and advised of this filing. While AT&T reserves its rights to respond to the allegations in the amended pleading, AT&T does not object to the filing of the amended pleading. Accordingly, NewPhone respectfully requests leave to file its amended pleading.

WHEREFORE, NewPhone respectfully requests that this motion be granted, permitting it to file its Amended Defenses, Answer and Counter-Claim of Image Access, Inc. d/b/a NewPhone, which is submitted herewith.

Respectfully submitted this 20th day of August, 2010.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Henry Walker", written over a horizontal line.

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COUNSEL FOR IMAGE ACCESS, INC. d/b/a
NEWPHONE

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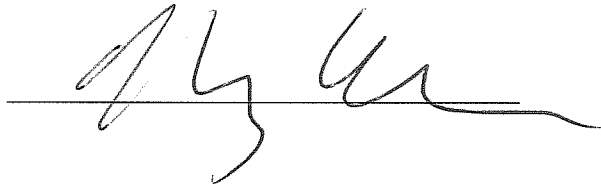
VS.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has this date been served via U.S.
Mail, postage prepaid, or electronic mail to all parties listed on the Official Service List.

This 20th day of August, 2010.

A handwritten signature in black ink, appearing to be "J. L. G.", is written over a horizontal line.