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# Public Service Commission

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COMMISSION  
CLERK

**-M-E-M-O-R-A-N-D-U-M-**

**DATE:** September 17, 2009

**TO:** Ann Cole, Commission Clerk - PSC, Office of Commission Clerk

**FROM:** Beth W. Salak, Director, Division of Regulatory Compliance *mts*  
Adam J. Teitzman, Attorney Supervisor, Office of the General Counsel *AT*

**RE:** Docket No. 090106-TX - Investigation and determination of appropriate method for refunding apparent overcharges by Image Access, Inc. d/b/a NewPhone, Inc. due to overbilling on TASA fees.

On April 28, 2009, the Commission issued Proposed Agency Action (PAA) Order No. PSC-09-0268-PAA-TX, made final and effective by Consummating Order (CO) No. PSC-09-0361-CO-TX, issued on May 26, 2009, in Docket No. 090106-TX. The PAA Order approved Image Access, Inc. d/b/a NewPhone, Inc.'s (NewPhone's) proposal to issue a refund to affected customers for overbilling for TASA fees from September 2006 to October 2008. The PAA Order directed NewPhone to submit a report and any unrefundable amount to the Commission by August 31, 2009.

The PAA Order required the company to issue a refund in the amount of \$2,277.45. NewPhone submitted a final report and a check in the amount of \$1,776.93 on May 13, 2009. Staff reviewed the report and determined that NewPhone did not mail checks to the last known address of former customers who were due a refund of \$1.00 or more. Staff directed NewPhone to do so.

On September 15, 2009, NewPhone reported that of the \$2,277.45 required refund, \$674.32 was refunded to customers through bill credits to existing customers and refund checks to former customers. A total of \$1,603.13 could not be refunded. Staff reviewed the report and determined that NewPhone has complied with the terms of the PAA Order. Therefore, this docket should be closed administratively.

cc: Timisha Brooks (GCL)  
Catherine Beard (RCP)  
Melinda Watts (RCP)

*OK to close*  
*9-18-09*  
*mts*

DOCUMENT NUMBER-DATE

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