

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

The Staff of the Missouri Public)	
Service Commission,)	
)	
Complainant,)	
)	
v.)	Case No. TC-2018-0282
)	
PhoneHost Communications, LLC,)	
)	
Respondent.)	

RESPONSE TO COMPLAINT

COMES NOW Respondent, PhoneHost Communications, LLC, by and through counsel, and makes the following response to the Complaint:

1. Respondent denies the allegations contained in paragraph 1 and demands strict proof thereof. Further answering, respondent states that it has never provided telecommunications services and is not a telecommunications company pursuant to §§386.020 (52) and 386.020 (54).

2. Respondent is without sufficient information to admit or deny the allegations contained in paragraph 2 of the Complaint and therefore denies the same.

3. Respondent admits the allegations contained in paragraph 3 of the Complaint; however, respondent denies that under Missouri law it is required to acquire a certificate of authority from the Commission and demands strict proof of such obligation.

4. Respondent denies each and every allegation contained in paragraph 4 of the Complaint and demands strict proof thereof.

5. Respondent states that the Missouri statute quoted speaks for itself, and admits the statute quoted in paragraph 5 of the Complaint.

6. Respondent is without sufficient information to form a belief as to the existence of the rule relied on by the Staff's Counsel in paragraph 6 of the Complaint and therefore denies the same. The rule purportedly relied on by Complainant is not cited.

7. Respondent admits the provisions of §386.570.1 RSMo, but denies that it has "fail[ed], omit[ted], or neglect[ed] to obey, observe or comply with any order, decision, decree, rule, direction, demand or requirement, . . ." and demands strict proof of any failure, omission or neglect on its part.

8. Respondent admits the provisions of §392.130 and §392.200, but specifically denies that it is a "telephone company" as defined in §386.020(52) and demands strict proof thereof.

9. Respondent admits the provisions of 4 CSR 240-28.020(1) and 4 CSR 240-28.030(4), but specifically denies that it has ever offered or sold telecommunications services as defined in §386.020(54) and demands strict proof thereof.

10. Respondent is without sufficient information to form a belief as to the allegations contained in paragraph 10 of the Complaint and therefore denies the same.

11. Respondent is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 11 and therefore denies the same. Respondent specifically denies that it is now or ever has been connected to, associated with or a customer of or supplier of PowerComm Broadband, LLC d/b/a New Dawn

Fiber. Respondent requests proof of the allegations contained in paragraph 11 that is NOT heresay or the testimony of counsel for the Staff.

12. Respondent specifically denies each and every allegation contained in paragraph 12 of the Complaint and demands strict proof thereof. Further responding, Respondent states that is not now and has never done business of any kind with New Dawn Fiber and/or Kennis Mann.

13. Respondent is without sufficient information to ascertain the truth of the allegations contained in paragraph 13 of the Complaint and therefore denies the same.

14. Respondent denies that it has any obligation to obtain a certificate of convenience and necessity and demands strict proof of any such obligation.

15. Respondent denies that any action in the circuit court seeking penalties against Respondent is warranted and denies that any violation of 2 CSR 240-28.020(1) or any other regulation has occurred.

AFFIRMATIVE DEFENSES

15. Further responding, Respondent states that the Complaint fails to state a claim upon which relief can be granted.

16. Further responding, Respondent states that it has never offered or sold telecommunications services within the State of Missouri, and so, is not subject to the jurisdiction of the Public Service Commission.

17. Further responding, Respondent states that it has never done any business whatsoever within the State of Missouri, and so, is not subject to the jurisdiction of the Public Service Commission.

WHEREFORE, Respondent PhoneHost Communications, LLC moves that the Staff Petition be denied, for dismissal of the Complaint, for its costs incurred in addressing this frivolous Complaint, and for such further relief as the Commission considers just in the circumstances.

Respectfully submitted,

THE BLAUVELT LAW FIRM, LLC

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by electronic mail, or first class United States Postal Mail, on this 7th day of May, 2018, to all counsel of record.

/s/Janet I. Blauvelt