

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

In the Matter of the Application of )  
)  
**POWERCOMM BROADBAND LLC,** )  
**d/b/a NewDawn Fiber,** for Certificate of )  
Service Authority to )  
Provide Basic Local Telecommunications )  
Services and Registration to Provide )  
Interconnected Voice over Internet )  
Protocol Telecommunications Service in )  
Missouri )

Case No. TC-2018-0281

**POWERCOMM’S ANSWERS TO DISCOVERY**

**I. TC-2018-0315**

Powercomm Broadband, LLC, by and through counsel, hereby states the following answers to the questions propounded by the PSC:

QUESTION 1. Describe any and all phone services offered by your company within the past twelve months to customers located in Missouri.

ANSWER: Local and long distance phone services.

QUESTION 2. If your company offers phone service to Missouri consumers does the service meet the criteria for a telecommunications service as that term is defined by Section 386.020(54) RSMo and/or interconnected VoIP service as that term is defined by Section 386.020(23) RSMo? Explain why or why not.

ANSWER: Yes. PowerComm was a re-seller of PhoneHost’s phone service, which service PowerComm believes met the four-part definition of “interconnected voice over internet protocol service” contained in RSMo § 386.020(23), and met the definition of “telecommunications service” contained in RSMo § 386.020(54).

QUESTION 3. If your response to the prior question is “yes” please state the following:

a. Number of Missouri retail consumers:

ANSWER: 75 Business, 25 Residential

b. Current number of associated lines:

ANSWER: 98

c. Date upon which company began offering the service: Approximately September 1, 2016

QUESTION 4. Describe any facilities owned by PhoneHost, LLC in the provisioning of phone services in Missouri.

ANSWER: Unknown to Powercomm.

QUESTION 5. Does PhoneHost, LLC have any affiliation, shared ownership/management and/or business relationship with Powercomm Broadband d/b/a NewDawn Fiber: If yes, please explain, and state what services are provided to NewDawn Fiber and the company’s involvement with telephone number porting.

ANSWER: 84.274 percent of Powercomm (d/b/a NewDawn Fiber) is owned by Powercomm Holdings, LLC, which was initially owned 50/50 by Kennis Mann and Bodie Cooper. Today Mann believes the effective ownership in Powercomm Holdings has migrated to 75 percent for Mr. Mann, and 25 percent for Mr. Cooper. In addition, they each have a 33.3 percent *passive* ownership interest in PhoneHost.

QUESTION 6. Does Powercomm have any affiliation, shared ownership/management and/or business relationship with PhoneHost, LLC, or PhoneHost Communications, LLC? If yes, explain.

ANSWER: As explained above, today Kennis Mann and Bodie Cooper each have a 33.3 percent passive ownership interest in PhoneHost. Also today, Mann owns 75 percent and Cooper owns 25 percent of Powercomm Holdings, LLC, which owns 84.274 percent of Powercomm Broadband. The business relationship between Powercomm Broadband and PhoneHost is that prior to April 2, 2018, the former re-sold phone services purchased from the latter. There is no common management between Powercomm and Broadband of which Kennis Mann or Powercomm Broadband is aware. The history between the two companies also includes the following: In 2015, PowerComm became a start-up high speed internet provider for the residents and businesses located in and around Excelsior Springs, Missouri. Prior to that that time, PhoneHost had been the retailer of phone services in the Excelsior Springs area. So, in 2015 they struck a deal under which PowerComm bought PhoneHost's customers, and then serviced them by buying wholesale phone services from PhoneHost. Powercomm thought it had received all rights and control over the phone numbers and customers it had purchased. But, unbeknownst to PowerComm, PhoneHost had retained control of many by keeping them on the account services control panel of another company it owned and/or controlled, KrombieTech (LLC).

QUESTION 7. Was the company involved in the recent suspension of phone service to PowerComm Broadband d/b/a NewDawn Fiber's subscribers? If yes, describe the involvement.

ANSWER: Due to the filing of a frivolous lawsuit against it in late 2016, PowerComm's commercial lender improperly foreclosed on PowerComm's loans. This caused decreased net revenue flow for PowerComm, causing it to fall behind in paying

PhoneHost as its wholesale vendor for phone services. PhoneHost gave PowerComm 30 day notice that it was terminating service to PowerComm's customers as of March 31, 2018, due to PowerComm's past due account. PowerComm then worked tediously to get all customers ported to a new provider before the cutoff date set by PhoneHost.

However, it encountered unexpected technical difficulties because PhoneHost was not cooperating with the portage process. Two weeks prior to April 1, Kennis Mann and/or his son Zach Mann began contacting PhoneHost to inquire about why portage was not happening for some of the customers, but PhoneHost did not return any contacts.

PowerComm continued troubleshooting and looking for answers, and on or about April 2, it began to suspect that PhoneHost might have kept the customers on KrombieTech's control panel. By email and voicemail on April 2, PowerComm asked PhoneHost if this was the case. PhoneHost made no response until April 5, when it admitted that such was true. PowerComm then resubmitted the requests to SipTrunk with KrombieTech identified, and the ports went through.

Apparently the following had been happening, unbeknownst to PowerComm: when PhoneHost was being notified by SipTrunk that PhoneHost needed to release various PowerComm customers, PhoneHost was returning the notifications with the comment that it wasn't the carrier, and thus couldn't release them. However, PhoneHost should have checked the history on those customers, and discovered that it had kept them on KrombieTech's control panel, and passed that information back to SipTrunk, PowerComm or to Krombie Tech, or simply notified KrombieTech to release the customers.

Powercomm has been told that SipTrunk and Ring Central were also contacting PhoneHost to get to the bottom of the porting issues, but PhoneHost was not returning their communications either.

The porting information that finally “worked” through SipTrunk is pasted below:

Registrant Name: JEREMY GEEO  
Registrant Organization: KROMBIETECH, LLC  
Registrant Street: 7420 NW 79TH CT  
Registrant City: KANSAS CITY  
Registrant State/Province: MO  
Registrant Postal Code: 64152  
Registrant Country: US  
Registrant Phone: +1.8167448800

## **II. TC-2018-0281**

QUESTION 1. Describe any and all phone services offered by your company within the past twelve months to customers located in Missouri.

ANSWER: Local and long distance phone services.

QUESTION 2. If your company offers phone service to Missouri consumers does the service meet the criteria for a telecommunications service as that term is defined by Section 386.020(54) RSMo and/or interconnected VoIP service as that term is defined by Section 386.020(23) RSMo? Explain why or why not.

ANSWER: Yes. PowerComm was a re-seller of PhoneHost’s phone service, which service PowerComm believes met the four-part definition of “interconnected voice over internet protocol service” contained in RSMo § 386.020(23), and met the definition of “telecommunications service” contained in RSMo § 386.020(54).

QUESTION 3. If your response to the prior question is “yes” please state the following:

a. Number of Missouri retail consumers:

ANSWER: 75 Business, 25 Residential

b. Current number of associated lines:

ANSWER: 98

c. Date upon which company began offering the service:

ANSWER: Approximately Sept 1, 2016

QUESTION 4. Identify the current rates associated with any telecommunications services and/or IVOIP services provided to Missouri consumers.

ANSWER: Residential was \$25 per month, and commercial was \$35 per month per line.

QUESTION 5. Describe any facilities owned by PowerComm Broadband d/b/a/ NewDawn Fiber in the provisioning of telecommunications and/or IVOIP services in Missouri.

ANSWER: Fiber optic cable and electronic equipment needed to transmit and receive IP based signals. The cable is laid throughout Excelsior Springs, Mo and portions of Clay County Mo.

QUESTION 6. Explain how PowerComm Broadband d/b/a NewDawn Fiber accesses telephone numbers for assignment as well as how the company accommodates telephone number porting.

ANSWER: PowerComm requests numbers for assignment from a company called SipTrunk Inc. To port a customer, PowerComm submits a Letter of

Authorization stating the customer's information to SipTrunk. It then notifies the "losing" carrier of the change. The "losing carrier" then either releases the number for porting or sends the notice back with comments that must be addressed. SipTrunk then sends the notice back to PowerComm, which must then address the comments and resubmit the notice to SipTrunk, which forwards it to the "losing carrier" again, and if the comments are properly addressed, the number is released.

QUESTION 7. Does PowerComm Broadband d/b/a NewDawn Fiber have any agreements, contracts or written arrangements with other companies used in the provisioning of telecommunications and/or IVOIP services to Missouri consumers? If yes, identify the company involved and provide a copy of the agreement.

ANSWER: NO.

QUESTION 8. Provide the following information related to the recent suspension of phone service to PowerComm Broadband d/b/a NewDawn Fiber's subscribers:

a. How long were customers out of service?

ANSWER: 7 to 12 days.

b. Why was service suspended?

ANSWER: The porting issues described above.

c. When did the company become aware service may be suspended if the company failed to take certain action?

ANSWER: March 1, 2018.

d. What steps, if any, were taken by the company to prevent service from being suspended?

ANSWER: When it received the March 1, 2018 notice, PowerComm made a payment of \$1,400 to PhoneHost in order to get an additional 30 days of service. A voicemail and email was sent to PhoneHost during the outage, requesting PhoneHost's assistance and time in solving the portage issues because PowerComm did not understand and didn't have full control over the roadblocks which were being encountered.

e. What steps were taken by the company to restore service?

ANSWER: PowerComm asked PhoneHost through both email and voicemail to restore the server and service for the last customers who hadn't yet been ported but PhoneHost made no response. PowerComm became suspicious that the problems were caused by PhoneHost's potentially retaining customers on its control panel (KrombieTech). On April 2<sup>nd</sup> PowerComm emailed PhoneHost and asked if that was the case. PhoneHost ignored the question until April 5, at which time it admitted that indeed it had control of those customers through the KrombieTech control panel it owned.

f. What notice or information was provided to affected subscribers leading up to, during and after the service suspension? Provide copies of any written information or correspondence to subscribers.

ANSWER: Customers were informed by way of social media, email and text that on April 1, 2018, PowerComm's service provider had terminated servicesg.

g. Are the company's subscribers able to seek other telecommunications services?

ANSWER: Yes.

h. If not, why are the company's subscribers unable to have their telephone numbers ported to another company?



ANSWER: n/a

QUESTION 9. Does PowerComm Broadband d/b/a NewDawn Fiber have any affiliation, shared ownership/management, and/or business relationship with either PhoneHost, LLC or PhoneHost Communications, LLC? If yes, please explain.

ANSWER: Kennis Mann and Bodie Cooper each have a 33.3 percent *passive* ownership interest in PhoneHost,LLC. Kennis Mann has no knowledge of or involvement with PhoneHost Communicatins,LLC Also today, Mann owns 75 percent and Cooper owns 25 percent of Powercomm Holdings, LLC, which owns 84.274 percent of Powercomm Broadband. The business relationship between Powercomm Broadband and PhoneHost is that prior to April 1, 2018, PowerComm bought wholesale phone services from PhoneHost and sold them to retail phone customers in Excelsior Springs, Missouri. There is no common management between Powercomm and Broadband of which Kennis Mann or Powercomm Broadband is aware.

The history between the two companies also includes the following: In 2015, PhoneHost was the retailer of phone services in the Excelsior Springs area. It agreed to sell its retail phone customers to PowerComm, and the wholesale phone services PowerComm needed to deliver to the retail customers. By virtue of the purchase, Powercomm thought it had received all rights and control over those phone numbers and customers. However, it learned in April, 2018 that PhoneHost had *retained control* by keeping the customers on its own account services control panel, called KrombieTech (LLC).

EXECUTION: I hereby sign my name attesting to the truth of the above answers to Questions submitted to PowerComm Broadband, LLC as TC-2018-0281 and TC-2018-0315.

SIGNED:

  
\_\_\_\_\_  
KENNIS MANN  
MANAGER, POWERCOMM BROADBAND, LLC

6/12/2018  
DATE

#### CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been served electronically on the PSC Staff Counsel's office (at [staffcounsel@psc.mo.gov](mailto:staffcounsel@psc.mo.gov)) and on the Office of the Public Counsel (at [opcservice@ded.mo.gov](mailto:opcservice@ded.mo.gov)) on this 15th day of June, 2018, to each of the political subdivisions listed above.