

The Staff of the Missouri Public
Service Commission,

Complainant,

v.

PhoneHost Communications, LLC,

Respondents

3. Respondent PhoneHost Communications, LLC, is a Missouri limited liability company formed in 2017. It is in good standing. Its registered office is located at 1600 Genessee, Suite 832, Kansas City, Missouri, 64102. Its registered

agent is Janet I. Blauvelt, 1600 Genessee, Suite 832, Kansas City, Missouri, 64102. Respondent PhoneHost Communications, LLC, does not have a certificate of service authority from this Commission authorizing it to provide telecommunications services in the state of Missouri.

JURISDICTION

4. On information and belief, the Respondent is engaged in the business of offering telecommunications services as defined in § 386.020(54), via telecommunications facilities that it owns, operates, or controls, within the state of Missouri. Therefore, pursuant to § 386.020(52), Respondent is a telecommunications company and, pursuant to § 386.020(43), a public utility subject to regulation by this Commission. Section 386.250(2).

5. Section 386.390.1, RSMo., authorizes the Commission to hear and determine complaints:

Complaint may be made by the commission of its own motion, or by the public counsel or any corporation or person, chamber of commerce, board of trade, or any civic, commercial, mercantile, traffic, agricultural or manufacturing association or organization, or any body politic or municipal corporation, by petition or complaint in writing, setting forth any act or thing done or omitted to be done by any corporation, person or public utility, including any rule, regulation or charge heretofore established or fixed by or for any corporation, person or public utility, in violation, or claimed to be in violation, of any provision of law, or of any rule or order or decision of the commission

6. The Commission has by rule authorized the Staff Counsel's Office to bring complaints on behalf of the Staff: "A complaint may also be filed by . . . the commission staff through the staff counsel"

Authority

7. Section 386.570.1, RSMo., provides for a penalty between \$100.00 to \$2,000.00, per offense, for “[a]ny corporation, person or public utility which violates or fails to comply with any provision of the constitution of this state or of this or any other law, or which fails, omits or neglects to obey, observe or comply with any order, decision, decree, rule, direction, demand or requirement, or any part or provision thereof, of the commission” Each day that a continuing violation persists is counted as a separate offense. In the case of a corporate respondent, the acts and omissions of its officers, agents and employees are deemed to be the acts and omissions of the corporation. All penalties are cumulative.

8. Telephone companies have a duty to provide sufficient facilities pursuant to Section 392.130, RSMo, and to provide services which are adequate and in all respects just and reasonable under Section 392.200, RSMo.

9. Any company offering telecommunications service must be certificated or registered by the Commission prior to offering or selling telecommunications services. 4 CSR 240-28.020(1). The procedure for a telecommunications utility to acquire a certificate of convenience and necessity is outlined in 4 CSR 240-28.030(4).

10. The Commission’s General Counsel can bring an action to seek penalties against a telecommunications services provider before a circuit court for any violation of the applicable statutes or Commission rules.

Background

11. On April 5, 2018, Staff was informed by a customer of PowerComm Broadband, LLC, d/b/a New Dawn Fiber, which is the subject of a separate filing before this Commission, that he had not had phone service for four days. Staff has received notice that service has been restored as of the date of this filing.

12. Staff spoke to Kennis Mann, who identified himself as the owner of New Dawn Fiber, and who clarified that he purchases his customers' phone numbers/services through PhoneHost Communications, LLC.

13. Staff searched its records and found no certificate of convenience and necessity for telecommunications services granted to PhoneHost Communications, LLC.

REQUEST FOR RELIEF

14. Staff now asks this Commission to issue an order requiring PhoneHost Communications, LLC, to follow the Commission's procedure for obtaining a certificate of convenience and necessity pursuant to 4 CSR 240-28.030(4).

15. Staff also asks this Commission to order its General Counsel to seek penalties against PhoneHost Communications, LLC, through an action before the circuit court for its violation of 4 CSR 240-28.020(1).

WHEREFORE, Staff prays that the Commission will issue an order against PhoneHost Communications, LLC, to file an application for a certificate of convenience and necessity to offer telecommunications services in Missouri pursuant to 4 CSR 240-28.030(4); order its General Counsel to seek penalties against PhoneHost Communications, LLC, for its violation of 4 CSR 240-28.020(1); and grant such other and further relief as the Commission considers just in the circumstances.

Respectfully submitted,

/s/ Whitney Payne

Whitney Payne
Assistant Staff Counsel
Missouri Bar No. 64078
Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 751-8706 (Telephone)
(573) 751-9285 (Fax)
whitney.payne@psc.mo.gov

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, postage prepaid, on this 6th day of April, 2018, to all counsel of record.

/s/Whitney Payne