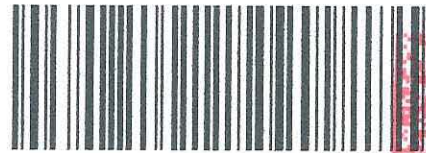


Missouri Public Service Commission
Data Center
P.O. Box 360
Jefferson City, Missouri 65102-0360

MO 419-2651 (9-10)

CERTIFIED MAIL®



7017 3040 0000 1345 2603

U.S. POSTAGE >> PITNEY BOWES



ZIP 65109 \$ 006.88⁰
02 4W
0000345140 MAY 22 2018

FILED

JUN 25 2018

Missouri Public
Service Commission

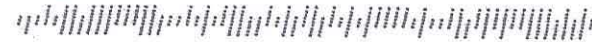
S&A Registered Agent, Inc.
4240 Duncan Avenue
St. Louis, MO 63110

Sta. New
5-24-18

NAME
1st Notice
2nd Notice 5-29
Return 6-11

UNCLAIMED

UNC
65102-0360
6011081101 0009



PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

S&A Registered Agent, Inc.
4240 Duncan Avenue
St. Louis, MO 63110



9590 9402 1289 5285 2785 95

2 Article Number (Transfer from service label)

7017 3040 0000 1345 2603

TC-2018-0315 5/22/18

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- ☐ Agent
- ☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

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

The Staff of the Missouri Public Service Commission,)	
)	
v.	Complainant)
)	File No. TC-2018-0315
)	
PhoneHost, LLC,)	
)	
	Respondent.)

**AMENDED NOTICE OF CONTESTED CASE
AND ORDER DIRECTING FILING**

Issue Date: May 22, 2018

Effective Date: May 22, 2018

The Commission's Staff filed Staff's First Amended Complaint, a copy of which is attached, with the original complaint. The filing of a complaint requires the Commission to set a hearing.¹ The requirement of a hearing on such issues signifies a contested case.² A contested case is a formal hearing procedure, but it allows for waiver of procedural formalities and a decision without an evidentiary hearing, including by stipulation and agreement.³ The Commission's regulations provide for discovery at 4 CSR 240-2.090.

THE COMMISSION ORDERS THAT:

1. PhoneHost, LLC shall file an answer to the complaint and amended complaint no later than June 21, 2018.

¹ Section 392.240, RSMo 2016.

² Section 536.010(4), RSMo 2016.

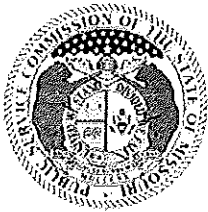
³ Section 536.060, RSMo 2016; 4 CSR 240-2.115.

2. The commission's data center shall serve a copy of this order and the complaint upon PhoneHost, LLC by certified mail, postage prepaid, at:

S&A Registered Agent, Inc.
4240 Duncan Avenue
St. Louis, MO 63110

3. This order shall be effective when issued.

BY THE COMMISSION



A handwritten signature in cursive script that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Daniel Jordan, Senior Regulatory Law Judge,
by delegation of authority pursuant
to Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,
on this 22nd day of May, 2018.

Case No. TC-2018-_____

¹ For the purposes of this pleading, “certification to provide telecommunications services” includes registration to provide interconnected voice over Internet protocol service.

1350 North Jesse James Road Excelsior Springs, Missouri, 64024. Its registered agent is Calan T. McConkey. Respondent PhoneHost, 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. Any company offering telecommunications service must be certificated or registered by the Commission prior to offering or selling telecommunications services. Section 392.440; 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).

9. 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

10. 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.

11. 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, LLC.

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

13. Staff also has a complaint case pending against similarly-named PhoneHost Communications, LLC², which it mistakenly came to believe was associated with PhoneHost, LLC. Staff asks the Commission to differentiate between these two entities, and to proceed with determinations in the complaints against each of these entities separately.

REQUEST FOR RELIEF

14. Staff now asks this Commission to issue an order requiring PhoneHost, 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, 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, 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, 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.

² Case No. TC-2018-0282.

/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 2nd day of May, 2018, to all counsel of record.

/s/Whitney Payne

The Staff of the Missouri Public
Service Commission,

Complainant,

v.

PhoneHost, LLC,

Respondents.

STAFF'S FIRST AMENDED COMPLAINT

2. Staff hereby amends its Paragraph 3 as follows: "Respondent PhoneHost, LLC, is a Missouri limited liability company formed in 2018. It is in good standing. Its registered office is located at 4240 Duncan Ave., Ste. 200, St. Louis, MO 63110. Its registered agent is S&A Registered Agent, Inc. 4240 Duncan Ave., Ste. 200, St. Louis, MO 63110. Respondent PhoneHost, LLC, does not have a certificate of service authority from this Commission authorizing it to provide telecommunications services in the state of Missouri."

WHEREFORE, Staff prays that the Commission will accept its *First Amended Complaint* and will serve Respondent and its Registered Agent, S&A Registered Agent,

Inc., at 4240 Duncan Ave., Ste. 200, St. Louis, MO 63110; 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 11th day of May, 2018, to all counsel of record.

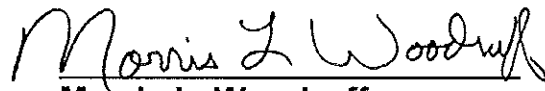
/s/Whitney Payne

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission,
at Jefferson City, Missouri, this 22nd day of May 2018.


Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

May 22, 2018

File/Case No. TC-2018-0315

**Missouri Public Service
Commission**
Staff Counsel Department
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
staffcounsel@psc.mo.gov

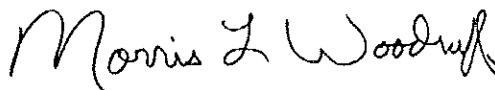
Office of the Public Counsel
Hampton Williams
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
opcservice@ded.mo.gov

**Missouri Public Service
Commission**
Whitney Payne
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
whitney.payne@psc.mo.gov

PhoneHost, LLC
Legal Department
1350 N. Jesse James Rd
Excelsior Springs, MO 64024

Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Morris L. Woodruff
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.