

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheet

1. REPORT DATE: December 5, 2005	2. BUREAU AGENDA NO. DEC-2005-FUS-0505* <i>R</i>
3. BUREAU: Fixed Utility Services	
4. SECTION(S): Telecommunications	5. PUBLIC MEETING DATE:
6. APPROVED BY: Director: R. Rosenthal 3-5242 <i>inc</i> Mgr/Spvr: J. Tuzinski 3-6175 <i>JA</i> Legal Review: A. Arnold <i>AA</i> 7-8032	December 15, 2005
7. PERSONS IN CHARGE: R. Staver/Leonard Peyton 7-3665	9. EFFECTIVE DATE OF FILING: N/A
8. DOCKET NO(s): A-311372 A-311372F0002	DOCUMENT FOLDER

10. (a) **CAPTION** (abbreviate if more than 4 lines)
 (b) **Short summary of history & facts, documents & briefs**
 (c) **Recommendation**

(a) Application of YMax Communications Corp. for approval to offer, render, furnish or supply telecommunication services as a:

- Competitive Local Exchange Carrier in the service areas of Verizon Pennsylvania Inc. and Verizon North Inc.
- Reseller Interexchange Carrier throughout the Commonwealth of Pennsylvania.

(b) On June 21, 2005, the subject Application was filed. No protests were filed and no hearings were held.

(c) The Bureau of Fixed Utility Services recommends that the Commission adopt the proposed Order.

DOCKETED
JAN 9 2006

11. **MOTION BY:** Commissioner Chm. Holland
SECONDED: Commissioner Cawley
 Commissioner Shane - Yes
 Commissioner Pizzigrilli - Yes
 Commissioner Fitzpatrick - Yes

CONTENT OF MOTION: Staff recommendation adopted.



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

December 23, 2005

REFER TO OUR FILE

A-311372

A-311372 F0002

DOCUMENT
FOLDER

SHARON THOMAS CONSULTANT
TECHNOLOGIES MANAGEMENT INC
PO DRAWER 200
WINTER PARK FL 32790-0200

Application of YMax Communications Corp. for approval to offer, render, furnish or supply telecommunication services as a Reseller of Interexchange Toll Services to the Public in the Commonwealth of Pennsylvania.
(A-311372)

Application of YMax Communications Corp. for approval to offer, render, furnish or supply telecommunication services as a Competitive Local Exchange Carrier to the Public in the service territories of Verizon North, Inc. and Verizon Pennsylvania, Inc.
(A-311372 F0002)

To Whom It May Concern:

This is to advise you that an Order has been adopted by the Commission in Public Meeting on December 15, 2005 in the above entitled proceeding.

An Order has been enclosed for your records.

Very truly yours,

James J. McNulty
Secretary

Enclosure
Certified Mail
LJM

DANIEL BORISLOW CEO & PRESIDENT
YMAX COMMUNICATIONS CORPORATION
PO BOX 703
PALM BEACH FL 33480

MICHELLE R MUSSER
STATE 911 COORDINATOR
PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY
2605 INTERSTATE DRIVE
HARRISBURG PA 17110-9364

RJP

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265**

Public Meeting held December 15, 2005

Commissioners Present:

Wendell F. Holland, Chairman
James H. Cawley, Vice Chairman
Bill Shane
Kim Pizzingrilli
Terrance J. Fitzpatrick

Application of YMax Communications Corp. for approval to offer, render, furnish or supply telecommunication services as a Reseller of Interexchange Toll Services to the Public in the Commonwealth of Pennsylvania.

Docket Number
A-311372

Application of YMax Communications Corp. for approval to offer, render, furnish or supply telecommunication services as a Competitive Local Exchange Carrier to the Public in the service territories of Verizon North Inc. and Verizon Pennsylvania Inc.

Docket Number
A-311372F0002

ORDER

BY THE COMMISSION:

On June 21, 2005, YMax Communications Corp. ("Applicant") filed Applications seeking Certificates of Public Convenience pursuant to the Telecommunications Act of 1996, 47 U.S.C. §§201, *et seq.*, (TA-96)¹ and to Chapter 11 of the Public Utility Code (Code) (66 Pa. C.S. §1101, *et seq.*) evidencing authority to provide the following telecommunication services to the public in the Commonwealth of Pennsylvania:

¹ Market entry requirements, in light of the policy objectives of the TA-96, for telecommunication service providers are set out in *In Re: Implementation of the Telecommunications Act of 1996*, Docket No. M-00960799 (*Implementation Order*: June 3, 1996; and *Implementation Reconsideration Order*: September 9, 1996).

- (1) As a Reseller of intra and interLATA Interexchange Toll Services (IXC Reseller) throughout the Commonwealth of Pennsylvania,
- (2) As a Competitive Local Exchange Carrier (CLEC) in the service territories of Verizon Pennsylvania Inc. and Verizon North Inc., within the Commonwealth of Pennsylvania.

The Applicant complied with notice requirements set forth in our Implementation Orders² by serving a copy of its application upon Verizon Pennsylvania Inc. and Verizon North Inc. No protests were filed. No hearings were held.

The Applicant is a Delaware Corporation with its principal place of business at P.O. Box 703, Palm Beach, FL 33480, phone (561) 832-3021, fax (561) 832-8377. Correspondence to resolve complaints may be directed to Greg Luff, at company headquarters. The Applicant complied with 15 Pa. C.S. §4124, relating to a Foreign Business Corporation. The Applicant's registered office provider is CT Corp, Philadelphia. The Applicant will not be using a fictitious name. The Applicant understands that if it plans to cease doing business within the Commonwealth of Pennsylvania, it is under a duty to request authority from the Commission for permission prior to ceasing.

The Applicant has no affiliates doing business in Pennsylvania or predecessors which have done business in Pennsylvania.

The Applicant is not presently doing business in Pennsylvania.

Applicant proposes to offer services as an IXC Reseller. 66 Pa C.S. §3018(b)(2) gives IXCs the option to (1) file and maintain tariffs with the Commission, (2) file and maintain price lists with the Commission, or (3) detariff. The Applicant was provided with these options via Secretarial Letter and has elected to operate as a detariffed IXC, subject to Pennsylvania state contract and consumer protection laws.

² *Id.*

The Company also proposes to offer competitive local exchange service, including exchange access service. The Company will provide competitive local exchange services using Unbundled Network Elements and resold services available from the underlying ILEC, and in the future may provide services utilizing its own switching facilities. Switched direct dialed long distance services will be provided by reselling the services of underlying interexchange carriers.³

Issues affecting CLECs have been addressed and are being addressed in a number of Commission proceedings.⁴ A CLEC Applicant is expected to adhere to the requirements relative to universal service programs, as initially set forth or as subsequently enlarged or modified.⁵ Also, per federal rules, CLECs are required to ensure the efficient usage of their numbering resources and are required to semi-annually report their utilization and forecast data to the North American Numbering Plan Administrator. See 47 C.F.R. § 52.5 et.seq. Any CLEC failing to comply with state and/or Commission orders related to numbering may be subject to the reclamation of their numbering resources as well as fines pursuant to the Public Utility Code, 66 Pa. C.S. §3301. See *Implementation of Numbering Conservation Measures Granted to Pennsylvania by the Federal Communications Commission in its Order released March 31, 2000 – NXX Code Reclamation*, Docket No. M-00001373 (Order entered August 22, 2000), 30 Pa. B. 4701 (September 2, 2000)(Commission established process for reclaiming NXX codes from carriers who have failed to activate them within 6 months of their availability for assignment to customers.)

Further, Section 253(b) of the TA-96 permits a state Commission to impose, on a competitively neutral basis and consistent with the Universal Service Section, requirements necessary to preserve and advance universal service, protect the public

³ "UNE-P availability from Verizon PA and Verizon North, have been the subject of recent Commission proceedings on the basis of the FCC's February 4, 2005 TRRO decision and this Commission's March 23, 2005 actions at Docket Nos. R-00049524, R-00049525, R-00050319 and R-00050319C001."

⁴ See, e.g., *MFS, Intelenet, et al.*, Docket Nos. A-310203, F0002, *et al.*, (October 4, 1995; July 31, 1996; and August 7, 1997); *Pa. PUC v. Bell*, Docket No. R-00963578; *Pa. PUC v. GTE*, Docket No. R-00963666, *Global Order*, Docket Nos. P-00991648 and P-00991649, as well as other CLEC proceedings.

safety and welfare, ensure the continued quality of telecommunication services, and safeguard the rights of consumers. In response, we articulated explicit concerns relative to an applicant's financial fitness, tariff compliance, and rates.⁶

The Commission requires that Applicants seeking to provide local telecommunications services in Pennsylvania take steps to protect the public safety of consumers.⁷ One means of ensuring the public safety of consumers in the increasingly competitive telecommunications marketplace is to ensure that new entrants provide their consumers with access to a seamless communications infrastructure for emergency services, such as 911. Therefore, in accordance with the notarized Affidavit (item #22 in the Application), the Applicant avers that it has contacted each county or municipal authority where it intends to provide CLEC telecommunications service and made the necessary arrangements for the provisioning of emergency 911 service.

Prior to approving an application for authority to provide local telecommunications services in Pennsylvania, the Commission seeks to ensure the financial fitness of the Applicant. In this case, the Applicant has provided financial information to support its Application. We therefore conclude that the Applicant has demonstrated that it is financially capable of providing telecommunication services as a CLEC and IXC reseller.

We conclude that the Applicant has met the requirements for certification as a CLEC, and IXC Reseller, consistent with this Order. Premised upon our review of the Applications and the proposed CLEC tariff, and consistent with our Orders, the Code, our Regulations and the TA-96, we conclude that the Applicant's proposed services do not raise concerns at this time regarding safety, adequacy, reliability, or privacy. We note, however, deficiencies in the proposed tariffs. See Appendix A.

⁵ *Universal Service Invest.*, Docket No. I-00940035 (January 28, 1997).

⁶ *Blue Ribbon*, Docket No. A-310442 (April 25 and August 4, 1997).

⁷ See 47 U.S.C. §253(b)

We shall direct the Applicant to revise the proposed CLEC and switched access tariffs in accordance with the changes noted in Appendix A of this Order.⁸ The Applicant shall thereafter file its Initial Tariffs reflecting the requested changes on or before sixty (60) days from the date of entry of this Order. Copies of the Initial Tariffs shall also be served upon the same entities receiving service of the original Application, including the ILECs. If the time required for such resolution and filing exceeds sixty (60) days, the Applicant may request an extension of an additional sixty (60) days with the Commission's Secretary. Thus, if the Initial CLEC and Switched Access Tariff are not filed within 60 days (120 days including the extension) of the entry of this Order, the Application will be dismissed and the authority granted herein will be revoked without further Commission Order.

To the extent that the proposed CLEC and Switched Access Tariff contain rates, the Initial Tariffs may become effective on one (1) day's notice from the date upon which it is filed and served.

Further, the Commission makes no determination whether the Applicant's switched access rates are in compliance with Act 183 of 2004.⁹

Conclusion

Accordingly, we shall grant the Application. The Applicant has had provisional authority under our *Implementation Order* (p. 7, para. B.1.c.4) and our *Implementation Reconsideration Order* (p. 5) to provide the proposed CLEC services pursuant to its proposed tariffs and the proposed IXC services during the pendency of the application process. Upon the establishment of filed rates and the approval of the Initial CLEC Tariff, a Certificate of Public Convenience shall be issued evidencing the

⁸ Leonard Peyton, 717-787-3665, is the contact in the PUC's Bureau of Fixed Utility Services. Regardless of the review process, any tariff provision(s) inconsistent with the provisions of the Code, the TA-96, or our Regulations or Orders will be deemed inoperative and superseded. (52 Pa. Code §64.213).

⁹ Act 183, P.L. 1398 (66 Pa. C.S §3017(c)).

Applicant's authority to provide services as a CLEC in the service territories of Verizon Pennsylvania Inc. and Verizon North Inc. consistent with this Order and our decisions in the *MFS* and such other proceedings. Additionally, a certificate of public convenience for the provisioning of IXC services shall be issued upon entry of this Order; **THEREFORE,**

IT IS ORDERED:

1. That the Application of YMax Communications Corp at Docket No. A-311372 for authority to operate as a Reseller of Interexchange Toll Services throughout the Commonwealth of Pennsylvania is approved, consistent with this Order, and that a certificate of public convenience be issued evidencing such approval.

2. That the Application of YMax Communications Corp at Docket No. A-311372F0002, for authority to operate as a Competitive Local Exchange Carrier within the service territories of Verizon Pennsylvania Inc. and Verizon North Inc. is granted, consistent with this Order.

3. That the Applicant shall file its initial tariff consistent with the requisite changes noted in Appendix A of this Order, within sixty (60) days (120 days including an approved extension) after the date of entry of this Order. **The Applicant is directed to identify any changes made to the proposed initial tariffs that are in addition to the changes noted in Appendix A.** The Applicant shall serve copies of its initial tariff on each entity receiving a copy of the original Application. The initial tariff may become effective on or after one (1) day's notice from the date upon which it is filed and served.

4. An initial tariff shall be labeled on its face according to the respective authority: "Competitive Local Exchange Carrier Tariff," or "Competitive Local Exchange Carrier Switched Access Tariff."

5. That the Applicant shall comply with all the provisions of the Public Utility Code, as now exist or as may be hereafter amended, and with all pertinent rules, regulations, and Orders of this Commission, now in effect or as may be prescribed by this Commission, including but not limited to: the *MFS Intelenet, et al.*, Docket Nos. A-310203F0002, *et al.*; the *Universal Service Investigation*, Docket No. I-00940035; the *Global Order*, Docket No. P-00991648, *et al.*, and the *NXX Code Reclamation*, Docket No. M-00001373.

6. That if the Applicant expands its local service into new counties in its currently authorized area of Verizon Pennsylvania Inc. and Verizon North Inc., Applicant shall contact the appropriate 911 coordinators, complete an Application for 911 Service for each, and provide the service list to said 911 coordinators with its tariff revisions as verification that arrangements are underway for the provisioning of Emergency 911 service in the additional exchanges.

7. That if the Applicant should desire to expand its service territory to that of additional incumbent local exchange carriers, Applicant shall file an Application to amend its Certificate of Public Convenience and comply with all the requirements of the Application including the completion of the affidavit and requirements thereto concerning Emergency 911 service.

8. That the authority granted herein, to the extent that it duplicates authority now held by or subsequently granted to the Applicant, shall not be construed as conferring more than one operating right to the Applicant.

9. That the Applicant maintains separate accounting systems for its IXC and CLEC operations.

10. That the Applicant shall file such affiliated interest agreements as may be necessary relative to any transactions with affiliates within 30 days of this Order.

11. That the Applicant shall make 711 abbreviated dialing available to access Telecommunications Relay Service and to arrange its switching equipment to translate these calls to the assigned toll-free number, (888) 895-1197, in order to route calls to the Telecommunications Relay Service Provider, in accordance with Commission's Order entered on February 4, 2000 at Docket No. M-00900239.

12. That in the event that the Applicant has not, on or before sixty (60) days (120 days including an approved extension) from the date of entry of this Order, complied with the requirements set forth herein, the Application at Docket No. A-311372F0002 may be dismissed and the authority granted herein revoked without further Commission Order.

13. That upon the establishment of filed rates and the approval of the Initial Tariff, a Certificate of Public Convenience shall be issued authorizing the Applicant to furnish services as a Competitive Local Exchange Carrier within the service territories of Verizon Pennsylvania Inc., and Verizon North Inc. consistent with this Order.

14. That changes and/or additions made to the approved, filed tariff shall be made in the form of supplements, consecutively numbered in the order of their filing dates, and the tariff designation shall be in the following manner: Supplement No. __ to Tariff Telephone Pa. P.U.C. No.____.

15. That the Applicant shall add its Pennsylvania tariff to its website, if it has one. If the Applicant does not maintain a website, the PA Public Utility Commission will host its tariff on the Commission's website.

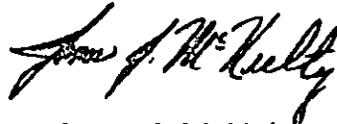
- Within 30 days of the filing of its initial tariff the Applicant shall add the tariff to its website and mark it "Pending."

- Within 30 days of receipt of its Certificate of Public Convenience, the Applicant shall make any required modifications to the tariff on its website and remove the “Pending” notation. Thereafter the Applicant will continually update the website whenever any supplemental revisions to the tariff are approved by the Commission such that the website tariff is a true and accurate representation of its tariff on file with the Commission.
- The Applicant shall contact Cyndi Page (717-787-5722; cypage@state.pa.us) of the Commission’s Communications Office, to create a link from the Commission’s website to the Applicant’s website.
- If the Applicant does not maintain a website, the Applicant shall contact Cyndi Page to have its tariff added to the Commission's website; and to update the tariff upon subsequent approval of supplemental revisions to the tariff.

16. That if the Applicant plans to cease doing business within the Commonwealth of Pennsylvania, it shall request authority from the Commission for permission prior to ceasing.

17. That a copy of this Order be served on PEMA (Pennsylvania Emergency Management Agency).

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "James J. McNulty". The signature is written in a cursive style with a large initial "J".

James J. McNulty
Secretary

(SEAL)

ORDER ADOPTED: December 15, 2005

ORDER ENTERED: **DEC 23 2005**

YMax Communications Corp

Docket No. A-311372F0002

Proposed Tariffs for Facilities Based Competitive Local Exchange Carrier Service

The proposed tariffs contain certain deficiencies that must be addressed by the Applicant before the tariffs can be approved and the Certificate(s) of Public Convenience issued. **The Applicant must submit a copy of this Appendix with its revised compliance tariff. On that copy please note the page/sheet of the compliance tariff where the required revision is located for each item below.**

Tariff deficiencies noted – CLEC Local Tariff (A-311372F0002)

1. Title Page should include territory served such as Verizon Pa and Verizon North. CLEC authority is not granted statewide.
2. Page 29, Section 2, Subsection 2.5.2G. Billing and Collection of Charges. Add the following BCS language. Phone No. 1-800-782-1110, FAX 717-787-6641. Also add Company contact information.
3. Page 31, Section 2, subsection 2.5.4, Deposits. Deposit Interest Rate: The Applicant may want to consider utilizing the deposit interest rate granted to local exchange carriers at Docket P-00981357, Order entered November 5, 1998. Following is sample language that may be inserted: Interest rates on customer deposits are calculated based on the rates of the interest posted for 1-year U.S. Treasury Bills for the months of September, October and November of the previous year.
4. Page 42, Section 2, subsection 2.11.2 Telecommunication Relay Service. The TRS rate for Business Customers is \$0.10 effective July 1, 2005.
5. Page 3 to 72, Section 3. Subsection 3.2 Exchange Service Area. Revise the entire section for Exchange Listings:
 1. Correct the company name in the second column heading to "Verizon Pennsylvania Inc."
 2. Correct third column heading to read "Other Incumbent Local Exchange Company Name", and update company names throughout to reflect current, accurate information.
 3. Correct misspelled exchange names, and add exchange names throughout.

6. Page 1, Section 5.0 Network Exchange Services. Revise all reference of "Bell Atlantic "to "Verizon Pennsylvania Inc." or "Verizon North Inc."
7. Page 5, Section 6, Subsection 6.4 IntraLATA Toll Presubscription. Company should incorporate the following updated language. See Attached.
8. Page 1 Section 8. Special Arrangements. Promotional offerings may be filed on 1 days notice.
9. Page 1, Section 9.1 Special Promotions. Promotional Offerings are to be filed as a tariff supplement.
10. Page 1, Section 9.2 Discounts. Delete reference to price list. Discounts applicable to CLEC rates must be include in the tariff.

Tariff deficiencies noted – CLEC Facilities Based/UNE-P Switched Access (A-311372F0002)

1. Title Page should include territory served such as Verizon Pa and Verizon North. CLEC authority is not granted statewide.
2. Page 23, Section 2, Subsection 2.17.2 Interconnection. This section should be deleted as not permitted by Commission Regulations
3. Page 23 Section 2, Subsection 2.17.4. This section should be deleted as not permitted per Commission Regulations.
4. Page 17 Section 3, Subsection 3.9.3. Rates and Charges. Verizon Territory should be identified as Verizon PA and Verizon North.
5. Page 18 Section 3, Subsection 3.9.4 Rates and Charges. Verizon Territory should be identified as Verizon PA and Verizon North.
6. Page 1 Section 5, Subsection 5.1. Local and EAS Traffic Exchange and Termination. Remove the proposed language. The FCC preempted state tariffs imposing charges on CMRS providers for LEC originating traffic in its 1996 *Local Competition First Report and Order*, and required compensation through interconnection agreements.
7. Page 5 Section 5, Subsection 5.3. IntraLATA PIC Change Charge. Tariff must include InterLATA and IntraLATA language. See Attached

Toll Presubscription

- A. Toll Presubscription is a procedure whereby a customer designates to the Telephone Company the IntraLATA and InterLATA Toll Providers, i.e., Interexchange Carriers (IXCs) which the customer wishes to be the carriers of choice for toll calls. Such calls are automatically directed to the designated carrier(s) without the need to use carrier access codes or additional dialing to direct the calls to the designated carrier. Toll presubscription does not prevent a customer, who has presubscribed to a toll carrier, from using carrier access codes or additional dialing to direct calls to an alternative toll carrier on a per call basis.

Each carrier will have one or more access codes assigned to it for various types of service. When an end user selects a carrier as its preferred IXC, only one access code of that carrier may be incorporated into the switching system of the Telephone Company permitting access to that carrier by the end user without dialing an access code. Should the same end user wish to use other services of the same carrier, it will be necessary for the end user to dial the necessary access code(s) to reach that carrier's other service(s).

An IXCs must use Feature Group D (FGD) Switched Access Service to qualify as a presubscription toll provider unless prior arrangements have been made with or by the Telephone Company. IXCs must submit an Access Service Request (ASR) to the Telephone Company.

Selection of toll presubscription provider by an end user is subject to the terms and conditions following.

- B. At the option of the IXCs, the nonrecurring charge for a change in toll presubscription, as provided herein, may be billed to the IXCs, instead of the end user. This may involve charges resulting from end-user initial free choice Preferred Interexchange Carrier (PIC), as specified in C.1 following.
- C. Presubscription Charge Application
1. End user choices for toll presubscription:
 - Designating an intraLATA and interLATA IXC(s) as primary carrier(s) thereby requiring no access code to access those IXCs' service. End users are not required to choose the same IXC for intraLATA and interLATA toll presubscription. Other nonpresubscribed IXCs are accessed by dialing 10XXX, 101XXXX, or other required codes.
 - Choosing no carrier as a primary carrier thus requiring 10XXX or 101XXXX code dialing to access all IXCs.

2. If a new customer cannot decide upon presubscription IXCs, the Telephone Company may extend a 30-day period following completion of the initial service request to make a choice without charge. In the interim, the customer will be assigned as a 'No-PIC' and must dial an access code to make toll calls.
3. If an IXC elects to discontinue Feature Group, the IXC is obligated to contact, in writing, all end users who have selected the canceling IXC as their preferred toll provider. The IXC must inform the end users that it is canceling its Feature Group D Service, request that the end user select a new IXC, and state that the canceling IXC will pay the PIC change charge as provided herein. The IXC must provide written notification to the Telephone Company that this activity has taken place.

Following the IXC's discontinuance of service, the Telephone Company will bill the canceling IXC the change charge for each end user that is currently designated to the IXC at the time of discontinuance.

4. An unauthorized PIC change is a change in the presubscribed IXC that the end user denies authorizing. PIC disputes for end users are resolved through an investigative process.

If an unauthorized change in toll presubscription occurs, the IXC making the unauthorized change will be assessed a charge for unauthorized change in presubscription as provided in G.2 following. In addition, the IXC will be assessed the applicable charge for returning the end user to the preferred IXC.

If an unauthorized change in intraLATA and interLATA presubscription occurs at the same time, on the same Business/Residence line, and the presubscribed IXC is the same carrier for intraLATA and interLATA, presubscription change charges as provided herein and the Telephone Company's corresponding F.C.C. Access Tariff apply. In addition, the IXC will be assessed the applicable charges for returning the end user to the preferred IXC as herein and in the Telephone Company's corresponding F.C.C. Tariff.

E. End User Charge Discrepancy

1. When a discrepancy is determined regarding an end user's designation of a presubscription IXC, the following applies depending upon the situation described:
 - A signed letter of authorization takes precedence over any order other than subsequent, direct customer contact with the Telephone Company.
 - When two or more orders are received for an end user line generated by telemarketing, the date field on the mechanized record used to transmit

PIC change information will be used as the PIC authorization date. The order with the latest application date/time determines customer choice.

- If an end user denies requesting a change in toll presubscription as submitted by an IXC, and the IXC is unable to produce a letter of authorization, signed by the end user, the IXC will be assessed all applicable change charges. The nonrecurring change charges are provided herein. The IXC will also be assessed the presubscription change charge as specified herein, which was previously billed to the end user.

2. Verification of Orders for Telemarketing

Neither the IXC or the Telephone Company shall submit a PIC change order generated by outbound telemarketing unless and until the order has first been confirmed in accordance with the F.C.C.'s current anti-slamming practices and procedures.

F. PIC Switchback Option-Business/Residence

PIC Switchback is an option under which no investigation activities are performed by the Telephone Company when an end user denies requesting a change in primary toll carrier submitted by the IXCs. The IXC participating in PIC Switchback will be billed the PIC Switchback Charge, and the presubscription change charge, as specified herein, to switch the end user to the end user's previous carrier.

When the Telephone Company is contacted by an end user who denies requesting a change in primary toll carrier, the end user will be credited the charge assessed for the disputed change in carrier, and will be switched back to the previous IXC at no charge. If this service is made available by the Telephone Company, IXCs may subscribe to or cancel PIC Switchback Service on 30 days notice to the Telephone Company by submitting a written request. A letter of authorization from the IXC will not be requested or accepted at a later date in the event of dispute of the charges assessed under the PIC Switchback option.

This option in no way relieves an IXC of the F.C.C. requirements for verifying all PIC orders obtained by outbound telemarketing prior to submitting those orders, or instituting steps to obtain verification of orders submitted to the Telephone Company.

In addition, the end user has the option of initiating a complaint to the F.C.C. or the Pennsylvania Public Utility Commission's Bureau of Consumer Services concerning unauthorized changes in toll presubscription.

INSERT APPROPRIATE RATES HERE



210 N. Park Ave.
Winter Park, FL
32789

P.O. Drawer 200
Winter Park, FL
32790-0200

Tel: 407-740-8575
Fax: 407-740-0613
DID: 407-740-3002
cwrightman@tminc.com

ORIGINAL

January 15, 2007
Via U.S. Mail

Mr. James McNulty, Commission Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Bldg.
400 North Street, 2nd Floor
Harrisburg, PA 17120

**RE: YMax Communications Corp.
Contact / Address Information Update**

Dear Mr. McNulty:

A-311372

Effective immediately, YMax Communications Corp., has relocated its corporate offices. Below please find updated company information for your records. Please ensure that this information is provided to the appropriate departments and personnel so that all complaints, notices, orders, invoices, correspondence and other regulatory documents are directed to the proper contacts listed herein.

Physical Address:

YMax Communications Corp.
5700 Georgia Avenue
West Palm Beach, FL 33405

Mailing Address:

YMax Communications Corp.
P.O. Box 6785
West Palm Beach, FL 33405-6785

Corporate Telephone Numbers:

Telephone: (561) 586-3380
Facsimile: (561) 586-2328
Toll Free (888) 230-0060
email: russop@magicjack.com

Company contact for regulatory and reporting issues:

Peter Russo, Chief Financial Officer
Telephone: (561) 586-3380
Facsimile: (561) 586-2328
Toll Free (888) 230-0060
email: russop@magicjack.com

Company contact for Customer Service issues/complaints:

John Thomas
Telephone: (561) 586-3380
Facsimile: (561) 586-2328
email: ymaxcustomerservice@magicjack.com

Customer Service Toll Free Number:

(888) 230-0060

RECEIVED
2007 JAN 19 11:10:38
SECRETARY'S OFFICE

DOCUMENT
FOLDER

January 15, 2007
Mr. James McNulty, Commission Secretary
Pennsylvania Public Utility Commission
Page 2

Please acknowledge receipt of this filing by date stamping the extra copy of this cover letter and returning it to me in the self-addressed, stamped envelope provided.

Should you have any questions or require additional information, please contact me at 407-740-3031 or via email at sthas@tminc.com.

Thank you for your assistance.

Sincerely,



Sharon Thomas, Consultant to
YMax Communications Corp.

ST/lw

cc: P. Russo, YMax
File: YMax - PA

cc: Elaine McDonald
Office of Consumer Advocate
Bureau of Consumer Protection - Office of the Atty. General
PA Office of Small Business Advocate