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VIA FACSIMILE & U.S. MAIL

Sandra Squire, Executive Secretary
Public Service Commission of West Virginia
201 Brooks Street
Charleston, WV 25323

12:59 PM SEP 07 2011 PSC EXEC SEC DIV

Re: CASE NO. 10-0383-T-C
EMERGENCY OPERATIONS CENTER OF KANAWHA COUNTY,
v.
YMAX COMMUNICATIONS CORPORATION and
MAGICJACK, LP

Dear Ms. Squire:

Please allow this letter to serve as an update on the recent successful conclusion of settlement negotiations in the above-referenced matter. The settlement has been approved by all parties, and the Staff has stated that they have no objection to this settlement and that they do not need to be a party to the settlement. Accordingly, we are happy to report that this matter is settled pursuant to the following terms:

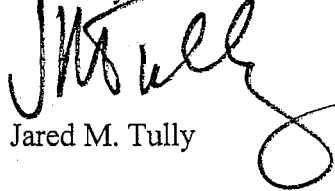
1. YMax Communications Corp. (YMax) and MagicJack, LP (MagicJack) have detailed how they are not interconnected VoIP providers as defined by the West Virginia statute and regulations. Since YMax and MagicJack have agreed to bill customers and remit fees on behalf of Kanawha County, no determination as to the nature of the services has been made.
2. MagicJack and/or YMax agree to bill their customers at the time they renew service, which is the first time they have a billing arrangement with their customer.
3. Bills will be sent electronically to MagicJack's and/or YMax's Kanawha County customers based upon the address that the customers provided when they registered their MagicJack device.
4. Funds collected will be remitted to the County within 30 days of receipt from the MagicJack and/or YMax subscribers.

5. MagicJack and/or YMax will reconfigure their systems and begin billing their customers within six (6) months of the resolution of this case.
6. The payment options will be via debit or credit card. MagicJack and/or YMax will make it possible for customers to pay the enhanced 911 fees using the customer debit or credit card they may have on file.

Should you have any questions or concerns regarding this letter, please feel free to contact me or any of the other parties at your convenience.

An original and 12 copies of this letter are submitted at the time of submission.

Sincerely,



Jared M. Tully

cc: Chris Howard
David Howell
Marc Weintraub
Richard M. Firestone
E. Dandridge McDonald

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