

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Before Commissioners: Mark Sievers, Chairman
Ward Loyd
Thomas E. Wright

In the Matter of a General Investigation of)
US South Communications, Inc. to)
Show Cause Why This Commission Should) Docket No. 12-USIC-599-SHO
Not Initiate Sanctions and Fines and Cancel,)
Suspend and Revoke Any Authority the)
Carrier Currently Holds.)

ORDER ISSUING FINE AND DISMISSING SHOW CAUSE

NOW, the above captioned matter comes before the State Corporation Commission of the State of Kansas ("Commission") for consideration and determination. Having examined its files and records and being duly advised on the premises, the Commission finds and concludes as follows:

1. On April 25, 1996, the Commission issued an order in Docket No. 194,139-U granting US South Communications, Inc. ("South") a certificate of convenience and authority to provide IXC service in the state of Kansas.

2. On July 16, 2010, the Commission issued its Final Order adopting new Telecommunications Billing Practice Standards in Docket No. 06-GIMT-187-GIT. The final order required all telecommunications public utilities, telecommunications carriers, local exchange carriers, and all entities designated as Eligible Telecommunications Carriers, providing service through land lines, to file tariffs as required incorporating the new standards within 90 days. South is one of the entities required to make such filings.

3. On October 5, 2010, the Commission issued an order in Docket No. 06-GIMT-187-GIT extending the 90-day deadline for carriers to file tariffs, incorporating the new Billing

Practice Standards, to December 13, 2010. Commission Staff sent a letter on October 12, 2010, to all local exchange and telecommunications carriers including South, alerting them to the Commission's Order extending the filing deadline and including instructions on how to make the required filings.

4. South did not make the required filings by the extended deadline and on April 15, 2011, Commission Staff sent a letter to all non-compliant carriers containing a deadline of April 29, 2011, to file tariffs or statements of compliance. South did not make the required filings by the stated deadline. A second Commission Staff letter was sent to the remaining non-compliant certified carriers, including South, stating that if they did not come into compliance within 30 days, Commission Staff would seek to initiate Show Cause proceedings for non-compliance with a Commission order.

5. As of November 16, 2011, twenty-three carriers, including South were still in non-compliance.

6. On January 3, 2012, Commission Staff filed its Report and Recommendation, attached hereto and made a part hereof by reference, recommending the Commission issue an Order requiring South to show cause why the Commission should not initiate sanctions and fines and cancel, suspend, and revoke any Kansas authority South currently holds.

7. On February 20, 2012, the Commission issued an order requiring South to Show Cause why its Authority should not be cancelled and revoked. South was given until March 13, 2012 to respond. South filed its revised tariff pages on March 16, 2012.

8. South had six (6) opportunities to comply with the Commission's order in Docket No. 06-GIMT-187-GIT but waited to do so until after the last available moment. It is crucial that a regulated entity timely comply with the orders, rules and regulation of the regulator. The

Commission has the authority to assess penalties for violations of its Orders pursuant to K.S.A. 66-138(a)(2) and the Commission assesses a \$500.00 penalty for the violations discussed above.

IT IS THEREFORE, BY THE COMMISSION ORDERED THAT:

A. US South Communications Inc. is hereby assessed a \$500.00 penalty which it shall pay into the Commission's fiscal office within 21 days of the date this order is mailed (see date below). The payment shall be mailed to the attention of the fiscal office, 1500 SW Arrowhead Road, Topeka, Kansas 66604-4027, and shall indicate it for the penalty in the above captioned matter. If the penalty is not timely paid, the Commission will reconsider cancelling, suspending or revoking US South Communications Inc.'s authority. If the penalty is timely paid, this Show Cause will be dismissed.

B. A party may file a petition for reconsideration of this order within fifteen (15) days from the date of service of this order. If service is by mail, service is complete upon mailing and three (3) days shall be added to the above fifteen (15) day time period. K.S.A. 66-118b; K.S.A. 77-529.

C. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further orders as it may deem necessary.

BY THE COMMISSION, IT IS SO ORDERED.

Sievers, Chmn; Loyd, Comm.; Wright, Comm.

Dated: MAR 26 2012


ORDER MAILED MAR 26 2012
Patrice Petersen-Klein
Executive Director

RAF

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
ROBERT A. FOX, SENIOR LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604-4027 ***Hand Delivered***		
M. MICHELLE RICHARDSON US SOUTH COMMUNICATIONS, INC. D/B/A US SOUTH AND INCOMM 250 WILLIAMS STREET SUITE M-100 ATLANTA, GA 30303-1032		

ORDER MAILED MAR 26 2012

The Docket Room hereby certified that on this _____ day of _____, 20_____, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.