

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Before Commissioners: Dwight D. Keen, chair
 Shari Feist Albrecht
 Susan K. Duffy

In the Matter of Certification of Compliance)
with Section 254(e) of the Federal)
Telecommunications Act of 1996 and) Docket No. 19-GIMT-399-GIT
Certification of Appropriate Use of Kansas)
Universal Service Fund Support

**SEPARATE RESPONSE OF WILSON TELEPHONE COMPANY TO STAFF REPORT
AND RECOMMENDATION REGARDING ADDITIONAL PENALTIES**

Comes now Wilson Telephone Company (“Wilson” or “company”) and submits its separate Response to the October 8, 2019 Report and Recommendation of Commission Staff herein. Regarding the propriety of assessing penalties generally against small rate of return rural telephone companies Wilson adopts by reference the response of the Independent Telecommunications Group, Columbus *et al.*, (“Columbus”) filed herein. This Response additionally addresses the apparent Staff recommendation for a penalty specific to Wilson.

1. Wilson submitted a timely initial filing June 28, 2019 pursuant to the Commission’s Order of April 11, 2019. The company first became aware of Staff questions regarding that filing through an email from Christine Aarnes to the company’s former controller thereafter on August 2, 2019.

2. The company’s new controller, having received Staff’s inquiry to her predecessor, promptly responded to that inquiry on the same date it was received,

advising Staff of the change in personnel involved in this docket and stating the new controller would immediately investigate.

3. Wilson's new controller, having not participated in the company's original June 28, 2019, filing, was obliged to contact the company's cost consultant to address the question raised by Staff. Three business days later, after consulting with the company's cost consultant, Wilson communicated a response to Staff's inquiry accompanied by corrected information addressing the subject matter of the inquiry.

4. After its diligent investigation and consultation with the company's cost consultant Wilson promptly provided correct information to the evident satisfaction of Staff on August 7, 2019. Staff then requested that the company submit a formal corrected filing. Wilson, being aware that its counsel in the proceeding was then on vacation, then asked whether a corrected filing the following week would be acceptable. Staff (per Ms. Aarnes) responded by email "Yes, next week is fine." There was no indication by Staff that the additional delay in formal filing could put Wilson at risk for a penalty based on the additional time to complete a formal corrected filing.


5. The formal corrected filing was submitted by Wilson's counsel and received by the Commission the following Monday, August 12, 2019, although Staff had been in possession of the corrected information since August 7.

6. Under the foregoing unique circumstances, a period of three business days to ascertain and provide a satisfactory response to Staff's question by a person not involved in the original filing is reasonable and warranted. A brief further delay to accomplish a formal filing was expressly approved by Staff, and even before such a filing Staff was in possession of all information needed to perform its function in this docket.

7. It is unreasonable and arbitrary to assess any penalty for the period during which the company was unaware of any claimed shortcoming in its timely June 28 filing, as addressed in the referenced Columbus response. Further, upon receipt of the Staff inquiry the company acted promptly and diligently to ascertain and provide corrective information. In this specific case there was a brief delay in correction owing to the change of personnel responsible for the company's filing and the resulting necessity of communicating with the company's outside cost consultant. Any imposition of a penalty in these circumstances would be unwarranted and unjust, and contrary to the public interest.

WHEREFORE Wilson prays that the Commission not impose any penalty against the company for timely correction, on due notice, of any error or omission in its compliance filing of July 28, 2019 herein.

Respectfully Submitted,



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VERIFICATION

STATE OF KANSAS, DOUGLAS COUNTY, ss:

Thomas E. Gleason, Jr., of lawful age, being first duly sworn, on his oath states: He is the attorney for Wilson Telephone Company; that he has read the above and foregoing Answer; that the statements, allegations and matters contained therein are true and correct.

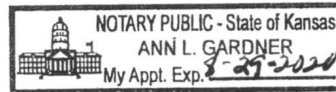

Thomas E. Gleason, Jr.

Subscribed and sworn to before me this 11th day of October, 2019.


Notary Public

My Appointment Expires:

8-29-2020



CERTIFICATE OF SERVICE

Thomas E. Gleason, Jr., hereby certifies that a true and correct copy of the above and foregoing Response was served electronically on the following on this 11th day of October, 2019:

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