

**THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

Before Commissioners: Andrew J. French, Chairperson
 Dwight D. Keen
 Annie Kuether

In the Matter of the Audit of Netelligent)
Corporation by the Kansas Universal Service)
Fund (KUSF) Administrator Pursuant to) Docket No. 24-NCPV-118-KSF
K.S.A. 66-2010(b) for KUSF Operating Year)
26, Fiscal Year March 2022-February 2023.)

ORDER GRANTING MOTION FOR EXTENSION OF TIME

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having reviewed its files and records and being duly advised in the premises, the Commission makes the following findings:

1. On August 17, 2023, the Commission directed Vantage Point Solutions (VPS) to perform an audit of Netelligent Corporation (Netelligent) for Kansas Universal Service Fund (KUSF) purposes.

2. On May 10, 2024, VPS filed its Audit Report for Netelligent regarding Operating Year 26 (March 2022–February 2023) which recommended the Company do the following:

 a.) File audit True-ups for FYs 25, 26, and 27 to exclude Fax IP service revenues and Local Number Portability for Existing Numbers revenues from its reporting, and to correct the revenues for the July 2022 reporting period that were originally filed in error;

 b.) Issue one-time billing credits in the amount of \$2,922.75 to its affected customers, on a pro-rata basis;

c.) Update its billing system to exclude KUSF surcharge collection from Fax IP services and Local Number Portability for Existing Number charges;

d.) Update its KUSF reporting procedures to exclude reporting of Fax IP service revenues and Local Number Portability for Existing Number charges;

e.) Provide VPS with four (4) customer bills supporting that the refund process has been completed; and

f.) File an affidavit, signed by an officer of the Company, attesting that the Company:

i) Corrected its KUSF reporting procedures to omit Fax IP services and Local Number Portability for Existing Numbers charges from its reporting revenues;

ii.) Corrected its billing system to exclude KUSF surcharge collection from Fax IP services and Local Number Portability for Existing Numbers charges;

iii.) Issued refunds through one-time billing credits, totaling \$2,922.75, to its affected customers, on a pro-rata basis; and

iv.) Corrected the July 2022 revenues that were reported in error.

The affidavit should provide the date the corrective actions were implemented. VPS further recommended Netelligent be directed to take all corrective actions within 60-days from the date of the Commission's Order. VPS will file a Compliance Report in the Docket within 90-days of the Order.

3. On June 18, 2024, the Commission issued its Order Adopting Audit Report, directing Netelligent to correct deficiencies set forth in the Audit Report.

4. On August 22, 2024, Netelligent filed a Motion for Extension of Time

Requesting the deadline be extended to November 20, 2024. VPS's Compliance Report would accordingly be due by December 30, 2024.

5. On August 23, 2024, Commission Staff (Staff) filed its Response to Motion for Extension of Time, explaining that it did not oppose Netelligent's proposed exchange, but requested that, given the extended timeline, that the Company take into additional billing cycles that may require further billing credits be issued. Additionally, Staff requested Netelligent be required to update Staff on its progress in correcting the deficiencies identified in the Audit Report.

6. K.A.R. 82-1-217(b) grants the Commissions the ability to extend any deadline for good cause. Nothing in the record indicates that Netelligent's request is in bad faith or designed to unnecessarily delay compliance, therefore the Commission grants the Motion for Extension of Time. The Commission extends the deadline for Netelligent to correct the deficiencies identified in the Audit Report including the payment of any billing credits accrued in the billing cycles that followed the filing of the VPS Audit Report, to November 30, 2024. Additionally, the Commission directs Netelligent to send monthly, informal written updates on its progress to Staff by the fifteenth day of each month. The Commission also extends the deadline for VPS to file its compliance report to December 30, 2024.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. Netelligent Corporation's Motion for Extension of Time is granted. The deadline for Netelligent to correct the deficiencies identified in the VPS Audit Report, as well as the payment of any billing credits accrued in the months subsequent to its filing, is extended to November 30, 2024.

B. The deadline for VPS to submit its compliance report is extended to December 30, 2024.


C. Netelligent to send monthly, informal written updates on its progress to Staff by the fifteenth day of each month until November 30, 2024.

D. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).¹

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 08/29/2024



Lynn M. Retz
Executive Director

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¹K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

CERTIFICATE OF SERVICE

24-NCPV-118-KSF

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 08/29/2024.

DAWN CARTELLONE, ADMINISTRATIVE ASSISTANT
VANTAGE POINT SOLUTIONS
2930 MONTVALE DRIVE, SUITE B
SPRINGFIELD, IL 62704
dawn.cartellone@vantagepnt.com

RICHARD HARKINS, CONTROLLER
NETELLIGENT CORPORATION
16401 SWINGLEY RIDGE ROAD
SUITE 500
CHESTERFIELD, MO 63017
rharkins@intervision.com

WENDY HARPER, USF SERVICES MANAGER
VANTAGE POINT SOLUTIONS
2930 MONTVALE DRIVE, SUITE B
SPRINGFIELD, IL 62704
wendy.harper@vantagepnt.com

SHOMARI JACKSON
VANTAGE POINT SOLUTIONS
2930 MONTVALE DRIVE SUITE B
SPRINGFIELD, IL 62704
shomari.jackson@vantagepnt.com

AHSAN LATIF, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
ahsan.latif@ks.gov

ORVIN MOORE, ATTORNEY IN FACT
NETELLIGENT CORPORATION
1595 PEACHTREE PARKWAY
SUITE 204-337
CUMMING, GA 30041
orvin.moore@claconnect.com

DENNIS SMITH
VANTAGE POINT SOLUTIONS
2930 MONTVALE DRIVE STE B
SPRINGFIELD, IL 62704
dennis.smith@vantagepnt.com

NICOLE STEPHENS, KUSF ADMINISTRATOR MANAGER
VANTAGE POINT SOLUTIONS
2930 MONTVALE DRIVE SUITE B
SPRINGFIELD, IL 62704
nicole.stephens@vantagepnt.com

/S/ KCC Docket Room

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