

THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

In the Matter of a General Investigation of )  
TAG Mobile, LLC to Show Cause Why )  
This Commission Should Not Initiate ) Docket No. 16-TAGC-323-SHO  
Sanctions and Fines and Cancel, Suspend )  
and Revoke Any Authority the Carrier )  
Currently Holds. )

**STAFF'S RESPONSE TO TAG MOBILE, LLC'S MOTION TO DISMISS SHOW  
CAUSE OR FOR EVIDENTIARY HEARING**

The Staff of the Kansas Corporation Commission (Staff and Commission, respectively) hereby responds to TAG Mobile, LLC's (TAG) *Motion to Dismiss Show Cause or for Evidentiary Hearing*. In support of its response, Staff states as follows:

1. On January 14, 2016, in this docket, the Commission ordered TAG to show cause why it should not be subject to sanctions and fines and its ETC designation should not be cancelled, suspended and/or revoked.<sup>1</sup>

2. On February 17, 2016, TAG filed an initial response to the Commission's show cause Order, asking the Commission to "find TAG has not violated the federal or Kansas ETC rules, dismiss this show cause proceeding, and order such other relief as the Commission deems appropriate."<sup>2</sup>

3. On February 26, 2016, Staff responded to TAG's initial response, requesting that "the Commission find that TAG has violated the federal and Kansas ETC rules for the provisioning of Lifeline service in Kansas, strongly consider revocation of TAG's ETC designation, and find that a specific penalty is warranted once more is known."<sup>3</sup>

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<sup>1</sup> Docket No. 16-TAGC-323-SHO, *Order to Show Cause* (Jan. 14, 2016).

<sup>2</sup> 16-TAGC-323-SHO, *Response of TAG Mobile, LLC to Show Cause Order*, p. 8 (Feb. 17, 2016).

<sup>3</sup> 16-TAGC-323-SHO, *Staff's Response to TAG Mobile, LLC's Response to Show Cause Order*, p. 8 (Feb. 26, 2016).


4. On March 10, 2016, TAG filed a subsequent motion in this docket, again asking the Commission to find that TAG is not in violation of state or federal statutes, rules or orders as Staff alleged, and to issue an Order to that effect. TAG also asked, in the alternative, that the Commission schedule an evidentiary hearing in this proceeding and issue a Protective Order and a Discovery Order, and grant such other relief as the Commission deems appropriate.<sup>4</sup>

5. Staff now responds to TAG's *Motion to Dismiss Show Cause or for Evidentiary Hearing*, not in order to add any new arguments, but simply to reiterate and reaffirm Staff's arguments and position in the aforementioned *Staff's Response to TAG Mobile, LLC's Response to Show Cause Order*, filed in this docket on February 26, 2016. In doing so, Staff wishes to make clear its view that dismissal is unwarranted in this proceeding.

6. Further, while Staff acknowledges TAG's right to request a hearing<sup>5</sup> in this matter and Staff is willing to go to hearing, based on the above-referenced show cause Order and responses by TAG and Staff, Staff believes the Commission has an ample basis to take action in this matter.

WHEREFORE, Staff respectfully requests the Commission find that TAG's motion to dismiss is unwarranted in this proceeding, that TAG has violated the federal and Kansas ETC rules for the provisioning of Lifeline service in Kansas, strongly consider revocation of TAG's ETC designation, that a specific penalty is warranted once more is known, and deny TAG's request for an evidentiary hearing.

Respectfully submitted,

  
Michael J. Duenes, #26431  
Litigation Counsel

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<sup>4</sup> 16-TAGC-323-SHO, *Motion to Dismiss Show Cause or For Evidentiary Hearing*, p. 4 (Mar. 10, 2016).

<sup>5</sup> See K.A.R. 82-1-232.

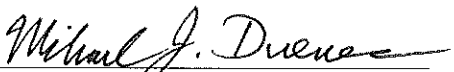
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For Commission Staff

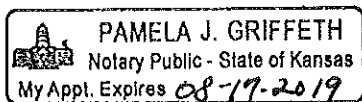
STATE OF KANSAS                     )  
  ) ss.  
COUNTY OF SHAWNEE             )

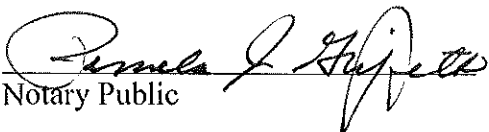
**VERIFICATION**

Michael J. Duenes, of lawful age, being duly sworn upon his oath deposes and states that he is Litigation Counsel for the State Corporation Commission of the State of Kansas; that he has read and is familiar with the foregoing *Staff's Response to TAG Mobile, LLC's Motion to Dismiss Show Cause or for Evidentiary Hearing*, and attests that the statements therein are true and correct to the best of his knowledge, information and belief.

  
Michael J. Duenes, S.Ct. #26431  
Litigation Counsel  
The State Corporation Commission  
of the State of Kansas

SUBSCRIBED AND SWORN to before me this 22nd day of March, 2016.



  
Notary Public

My appointment expires: August 17, 2019

## CERTIFICATE OF SERVICE

16-TAGC-323-SHO

I, the undersigned, certify that a true and correct copy of the above and foregoing Staff's Response To TAG Mobile, LLC's Motion to Dismiss Show Cause Or For Evidentiary Hearing was served by electronic service on this 22nd day of March, 2016, to the following:

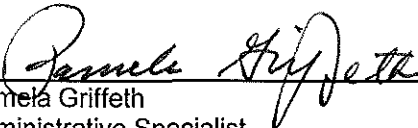
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Pamela Griffeth  
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