

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

In the Matter of the Audit of Sprint)
Communications Company LP by the)
Kansas Universal Service Fund (KUSF)) Docket No. 21-SCCC-065-KSF
Administrator Pursuant to K.S.A. 66-2010(b))
for KUSF Operating Year 23, Fiscal Year)
March 2019-February 2020.)

NOTICE OF WITHDRAWAL AND CANCELLATION OF HEARING

COMES NOW the Commission Staff (“Staff”) and notifies the Commission of its withdrawal of the Motion to Compel dated March 12, 2021 and requests cancellation of the Presiding Officer’s Hearing set for May 21, 2021 at 10:00 via Zoom Conference. In support of the Notice, Staff states:

1. GVNW Consulting, Inc. (GVNW) is the current Administrator for the Kansas Universal Service Fund (KUSF). The KUSF Administrator has statutory responsibilities for collecting and auditing information regarding telecommunication service providers receiving funds from the KUSF.¹ It is also entrusted with the duty to verify funds generated for the KUSF.² The duties of the KUSF Administrator are embodied within the Commission’s mandate to establish a KUSF and to require carriers to contribute to the KUSF based on intrastate telecommunications net retail revenue on an equitable and non-discriminatory basis.

2. On July 21, 2020, the Commission issued an Order in Docket No. 19-GIMT-056-GIT (19-056 Docket) approving modifications to the Carrier Selection Criteria and Audit Procedures for Fiscal Year 23.⁴ The Order directed GVNW to provide a list of the 16 carriers to

¹ K.S.A. 66-2010(b)(1).

² K.S.A. 66-2010(b)(2)

³ K.S.A. 66-2008(a).

⁴ Order, Docket 19-GIMT-056-GIT, July 21, 2020.

be audited for Fiscal Year 23. On July 21, 2020, GVNW responded to the Commission Order by submitting a list of 16 carriers to be audited using the referenced accounting period of Fiscal Year 23, March 1, 2019 to February 29, 2020, as a framework for analysis.⁵ The Selection Criteria attached to the Order sets forth a random selection process for choosing companies to be audited in order to create a level of certainty and accuracy that all carriers have reported revenue and made proper assessment payments to the KUSF.⁶ The audits are then conducted to determine if reporting abnormalities or significant discrepancies have occurred between KUSF reported revenues and KCC or public reports to gage a particular company's compliance in assessing customers and making contributions to the KUSF.⁷

3. On August 18, 2020, the Commission opened the above-captioned Docket and pursuant to the selection list provided by GVNW for Fiscal Year 23 and issued an Order designating Sprint Communications Company LP (Sprint) for a KUSF audit.⁸ In the course of the audit, Sprint declined to provide certain information as requested in DR Nos. 17 and 18. In order to conduct the audit, Staff filed a Motion to Compel on April 12, 2021, in an attempt to obtain complete responses to the discovery sought in the data requests.

4. On May 13, 2021, Sprint provided responses to DR Nos. 17 and 18. On May 11, 2021, the Commission designated Brian G. Fedotin, General Counsel to be the Presiding Officer for the Motion to Compel and set a hearing for disposition of the Motion on May 21, 2021 at 10:00 a.m.

5. Because Sprint has provided responses to DR Nos. 17 and 18, there is no longer a need to take action on the Motion to Compel and, accordingly, Staff notifies the Commission of

⁵ GVNW's Submission of Fiscal Year 23 Carrier Audit Selection, July 21, 2021.

⁶ Order, Docket 19-GIMT-056-GIT, GVNW Letter, Attachment A.

⁷ Id. at Attachment B.

⁸ Order to KUSF Administrator to Commence Audit, Docket No. 21-SCCC-065-KSF, August 18, 2020.

its decision to withdraw the Motion. Additionally, as the matter has been resolved, there is no need to conduct a hearing on the Motion to Compel and the hearing should be cancelled.

WHEREFORE, Staff notifies the Commission and the Presiding Officer of its decision to withdraw the Motion to Compel and requests cancellation of the Hearing set for May 21, 2021 at 10:00 a.m. and for such other relief as the Commission may deem appropriate.

Respectfully Submitted,

/s/ Walker Hendrix

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STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)

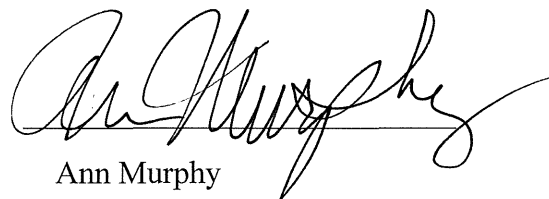
VERIFICATION

Walker Hendrix, being duly sworn upon his oath deposes and states that he is a Litigation Counsel for Litigation Counsel of the Kansas Corporation Commission of the State of Kansas, that he has read and is familiar with the foregoing *Notice of Withdrawal* and attests that the statements contained therein are true and correct to the best of his knowledge, information and belief.


/s/ Walker Hendrix

Walker Hendrix, 08835
Litigation Counsel
Kansas Corporation Commission

Subscribed and sworn to before me this 17 day of May, 2021.


Ann Murphy

My Appointment Expires: 4/28/2025

 NOTARY PUBLIC - State of Kansas
ANN M. MURPHY
My Appt. Expires 4/28/25

CERTIFICATE OF SERVICE

21-SCCC-065-KSF

I, the undersigned, certify that a true and correct copy of the above and foregoing Notice Of Withdrawal and Cancellation Of Hearing was served via electronic service this 17th day of May, 2021, to the following:

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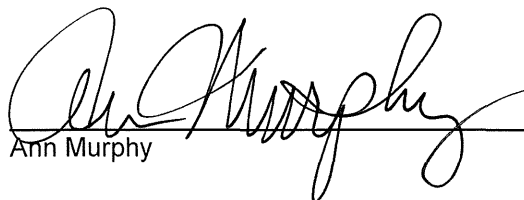
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