

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 LaHARPE TELEPHONE COMPANY TO STAFF
REPORT AND RECOMMENDATION REGARDING ADDITIONAL PENALTIES**

Comes now LaHarpe Telephone Company (“LaHarpe” or “company”) and submits its separate Response to the October Report and Recommendation of Commission Staff (“Staff”) herein. Regarding the propriety of assessing penalties generally against small rate of return rural telephone companies LaHarpe 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 LaHarpe.

1. LaHarpe 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 thereafter on July 25, 2019.

2. The email communication from Staff suggested an error in certain expense amounts in LaHarpe’s timely June 28, 2019 filing, and noted it appeared the company

had transposed amounts from its previous year's certification filing in the Commission's Docket No. 18-GIMT-394-GIT.

3. In response to the Staff inquiry LaHarpe prepared and immediately submitted to Staff a corrected document showing the correct expense amounts for the period under consideration in this Docket. This communication was provided to Staff within three and one-half hours of Staff's initial communication to the company.

4. LaHarpe appreciates Staff's cooperation in submitting the corrected information for substitution into the company's June 28, 2019 filing without the requirement of a separate full corrected filing. Such cooperation assisted in minimizing regulatory expenses while still satisfying Staff's need for information sufficient to perform its function in the Docket.

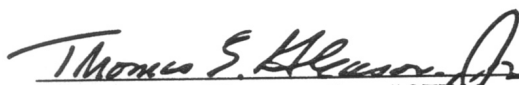
5. LaHarpe received no subsequent assertion of errors in its filing.

6. It would be unreasonable, arbitrary and capricious to impose a penalty for a period during which neither LaHarpe nor Staff was aware of the company's inadvertent error, which error posed no material impediment to staff's performance of its responsibilities in this Docket.

7. Under the foregoing circumstances, a period of three hours in providing corrected information and the effort required of Staff to secure such information were *de minimis* and insufficient to warrant imposition of a penalty. Even applying Staff's presumed penalty of \$250 per week, the amount of penalty for the time from notice of error to its correction would be less than \$5.25 (\$250 X 0.021 week).

WHEREFORE LaHarpe 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,

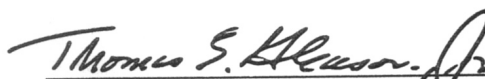


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VERIFICATION

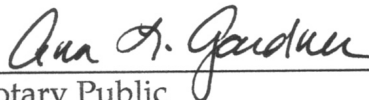
STATE OF KANSAS, DOUGLAS COUNTY, ss:

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



Thomas E. Gleason, Jr.

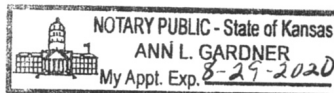
Subscribed and sworn to before me this 11th day of October, 2019.



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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