

BEFORE THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

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

**PETITION OF ZENDA TELEPHONE COMPANY FOR RECONSIDERATION OF  
ORDER IMPOSING PENALTY**

Comes now Zenda Telephone Company ("Zenda") and requests reconsideration of that portion of the Commission's Order Adopting Staff's Report and Recommendation and Imposing Penalties, dated January 28, 2020 herein, which imposes a penalty on Zenda. In support of its petition for reconsideration Zenda states as follows:

1. Regarding the propriety of assessing penalties generally against small rate of return rural telephone companies, and regarding the determination of the amounts of such penalties, Zenda adopts by reference the petition for reconsideration of the Independent Telecommunications Group, Columbus *et al.*, ("Columbus") filed herein February 12, 2020. This individual petition additionally addresses the circumstances specific to the imposition of a penalty against Zenda.

2. In its Separate Response filed herein October 11, 2019 Zenda provided the circumstances related to its submission of a corrected ETC certification filing, establishing that virtually all the delay was due to choices made by Commission Staff in delaying review of Zenda's initial filing and subsequently requiring preparation and

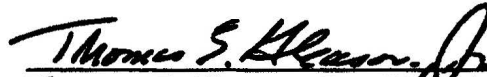
submission of a substitute filing. Previously other carriers' errors in this Docket had been corrected, with Staff's approval, without requiring a complete new filing.

3. In the fifteen weeks between Zenda's Separate Response and the Commission's Order of January 28, 2020 Commission Staff submitted no response challenging the factual assertions of Home's Separate Response. The failure or refusal to consider Zenda's factual explanation of its lack of fault for the subject delay, absent any factual assertion refuting such explanation, renders the imposition of a penalty without factual support and therefore arbitrary and capricious.

4. The amount of the penalty imposed on Zenda is excessive and arbitrarily determined. Zenda's error could have been identified and corrected much earlier but for Commission Staff's deferral of its review of Zenda's ETC filing. While it is true that Staff cannot review all such filings immediately it is equally true that Zenda plays no role in deciding when its filing is reviewed. The result is random exposure of Zenda to enhanced penalties, amounting to arbitrary and capricious inconsistency in penalizing conditions for which the rural company has no notice and is unable to affect. Further, the ordered penalty is excessive, equivalent to half of one month's entire rate revenue for local exchange service provided by Zenda.

WHEREFORE Zenda requests that the Commission reconsider its Order of January 28, 2020 herein and upon reconsideration rescind the penalty ordered as to Zenda.

Respectfully Submitted,

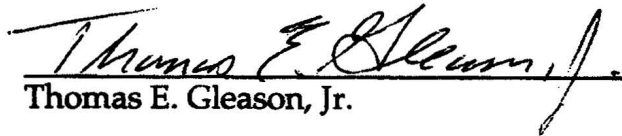


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VERIFICATION

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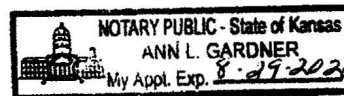
Thomas E. Gleason, Jr., of lawful age, being first duly sworn, on his oath states:  
He is the attorney for Zenda Telephone Company; that he has read the above and  
foregoing Petition for Reconsideration; that the statements, allegations and matters  
contained therein are true and correct.

  
Thomas E. Gleason, Jr.

Subscribed and sworn to before me this 24 day of February, 2020.

  
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 Petition for Reconsideration was served electronically on the following on this 12th day of February, 2020:

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