

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

Before Commissioners: Jay Scott Emler, Chairman
Shari Feist Albrecht
Pat Apple

In the Matter of a General Investigation of)
Accessline Communications Corporation to)
Show Cause Why This Commission Should) Docket No. 16-ALIC-367-SHO
Not Initiate Sanctions and Fines and Cancel,)
Suspend and Revoke Any Authority the)
Carrier Currently Holds.)

ORDER DISMISSING SHOW CAUSE AND ASSESSING PENALTY

NOW, 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 February 23, 2016, the Commission issued a Show Cause Order to Accessline Communications Corporation (Accessline or the Company) in the above-captioned matter for Accessline's delinquency in remitting payment of its October 15, 2015, Commission Assessments.

2. On March 23, 2016, Staff filed a Report and Recommendation (R&R) in this matter, attached hereto and incorporated herein by reference, recommending both dismissal of this Show Cause and assessment of a \$100 penalty against Accessline for its delinquency, pursuant to K.S.A. 66-138. Staff stated that two separate notices were sent to Accessline alerting the company to its outstanding Commission Assessments.

4. Pursuant to K.S.A. 66-138, the Commission has authority to assess penalties for violations of Kansas statutes. According to Staff, both of the aforementioned notices were sent to Accessline's correct physical address, and ample time was allowed for the Company to resolve the delinquency. Nevertheless, both notices went unanswered. Accessline did not initiate action on its delinquent assessments and the Commission's Show Cause Order until March 11, 2016. Staff confirmed Accessline's payment of the Commission Assessments on March 17, 2016, bringing Accessline into compliance with K.S.A. 66-1503 regarding the October 2015 invoices.

5. Based on Accessline's compliance, Staff recommended the Commission dismiss this Show Cause proceeding against Accessline. Staff further recommended that the Commission assess a \$100 penalty against Accessline for its delinquency in this matter.

6. The Commission finds Staff's recommendations to be reasonable and hereby adopts the same.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The February 23, 2016, Show Cause Order issued against Accessline is hereby dismissed.

B. Accessline shall be assessed a \$100 penalty, pursuant to K.S.A. 66-138, for delinquency in remitting payment of its October 15, 2015, Commission Assessments.

C. The parties have fifteen (15) days, plus three (3) days if served by mail, from the date this order was served, to petition the Commission for reconsideration. K.S.A. 66-118; K.S.A. 77-529(a)(1).

D. The Commission retains jurisdiction over the subject matter and parties for the purpose of issuing such further orders, as necessary.

BY THE COMMISSION IT IS SO ORDERED.

Emler, Chairman; Albrecht, Commissioner; Apple, Commissioner

Dated: MAR 31 2016



Amy L. Green
Secretary to the Commission

MJD

Order Mailed Date

APR 01 2016

REPORT AND RECOMMENDATION UTILITIES DIVISION

TO: Chairman Jay Scott Emler
Commissioner Shari Feist Albrecht
Commissioner Pat Apple

FROM: Hal Baumhardt, Senior Telecommunications Analyst
Christine Aarnes, Chief of Telecommunications
Jeff McClanahan, Director of Utilities

DATE: March 23, 2016

SUBJECT: 16-ALIC-367-SHO

In the Matter of a General Investigation of Accessline Communications Corporation to Show Cause Why This Commission Should Not Initiate Sanctions and Fines and Cancel, Suspend and Revoke Any Authority the Carrier Currently Holds.

EXECUTIVE SUMMARY:

Accessline Communications Corporation (Accessline) was delinquent in remitting payment of its October 15, 2015, Commission Assessments. Therefore, Staff recommended the Commission show cause Accessline for failing to remain compliant with Kansas Statute Annotated (K.S.A.) K.S.A. 66-1503. On February 23, 2016, the Commission issued an Order to Show Cause with a Company response date due on or before March 28, 2016.

Staff recommends the Commission **dismiss** this Show Cause against Accessline given that the delinquent issue has been resolved with payment of the outstanding October 2015 invoices on March 17, 2016. However, Staff recommends that a fine of \$100 be assessed for the violations pursuant to K.S.A. 66-138 for being over four months delinquent in paying its October 15, 2015, Commission Assessment.

BACKGROUND:

On December 18, 2015, Staff sent its "*First Notice of Outstanding Commission Assessment*" allowing the Company 15 days from the date of the Notice to remit payment of its outstanding assessment invoice. On January 4, 2016, Staff sent its "*Final Notice of Outstanding Commission Assessment*" to Accessline allowing the Company an additional 15 days from the date of the Notice in the attempt to get resolution to this delinquency.

Staff's Notices included copies of the October 15, 2015, invoices that could be used to remit payment and reconcile the outstanding balance. On March 17, 2016, Staff confirmed that payment of the Commission Assessments owed was remitted, bringing Accessline into compliance with K.S.A. 66-1503, regarding the October 2015 invoices.

ANALYSIS:

The Commission has the authority to assess penalties for violations of Kansas statutes and Staff recommends the Commission assess a \$100.00 penalty for the violation discussed above and for neglecting Staff's two previous Notices. Both Notices were sent to the correct physical address; that of the Company's CFO in Mountain View, California. Ample time was allowed with the Notices for the Company to resolve the delinquency; nevertheless, both Notices went unanswered.

Not until March 11, 2016, when a KMPG Tax Associate, on behalf of Accessline, finally contacted Staff did the delinquent assessments and the Order to Show Cause get addressed. Going forward, Accessline requested that future assessment invoices be emailed and authorized the appropriate email address.

RECOMMENDATION:

Staff affirms that the Company is now in compliance with K.S.A. 66-1503, and recommends the Commission **dismiss** this Show Cause proceeding against Accessline Communications Corporation, given that the delinquent issue has been resolved, and assess a penalty of \$100.00.

CERTIFICATE OF SERVICE

16-ALIC-367-SHO

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail/hand delivered on **MAR 31 2016**.

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/S/ DeeAnn Shupe

DeeAnn Shupe

Order Mailed Date

APR 01 2016