

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 WILSON TELEPHONE COMPANY FOR RECONSIDERATION OF
ORDER IMPOSING PENALTY**

Comes now Wilson Telephone Company ("Wilson") 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 Wilson. In support of its petition for reconsideration Wilson 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, Wilson 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 Wilson.

2. Wilson further adopts by reference the substance of its separate response herein, dated October 11, 2019, which recited the factual circumstances related to provision of a corrected response to its initial ETC certification filing of June 28, 2019.

There is no evidence such correction interfered materially with Staff's discharge of its responsibilities in this Docket.

3. In the fifteen weeks between Wilson's Separate Response and the Commission's Order of January 28, 2020 Commission Staff submitted no response challenging the factual assertions of Wilson's Separate Response. Similarly, the Commission's Order makes no effort to consider or address the factual circumstances regarding Wilson's initial filing of June 28, 2019 in this Docket or the correction of an inadvertent error. The failure or refusal to consider Wilson's factual explanation of a brief delay in compliance with Commission Orders, absent any factual assertion refuting such explanation, renders the imposition of a penalty arbitrary and capricious.

3. Wilson's new controller, having not participated in the company's original June 28, 2019, filing, was obliged to contact the company's cost consultant to address the question raised by Staff. Three business days later, after consulting with the company's cost consultant, Wilson communicated a response to Staff's inquiry accompanied by corrected information addressing the subject matter of the inquiry.

4. The record demonstrates, without contradiction in the record, that the extended period between the ordered ETC filing deadline and the submission by Wilson of a corrected filing was due to:

a. an extended delay in Commission Staff advising Wilson that corrected information was needed;

b. an unavoidable *de minimis* delay for Wilson to secure information from its outside consultant;

c. Staff's requirement that Wilson submit a formal corrected filing, a deviation from Staff's practices in earlier corrections;

d. a short delay, expressly approved by Staff, in submission of the corrected filing due to unavailability of Wilson's counsel.

5. It is arbitrary and capricious to impose a penalty on Wilson for the time Staff had Wilson's initial ETC filing but did not notify Wilson of an error or a need for additional information. Wilson played no part in the Staff action of deferring review of Wilson's filing due to the total number of such filings. Had Staff chosen to review Wilson's filing earlier, the total time to completion and resolution would have been significantly shorter. In turn, the ordered penalty would have been significantly less.

WHEREFORE Wilson prays that the Commission reconsider its order imposing penalties as to Wilson. On reconsideration, the Commission should exclude from calculation of a penalty amount the extended period of time when Wilson was unaware of any error asserted by Staff, and also exclude the period necessary to comply with Staff's requirement for preparation and submission of a new filing.

Respectfully Submitted,

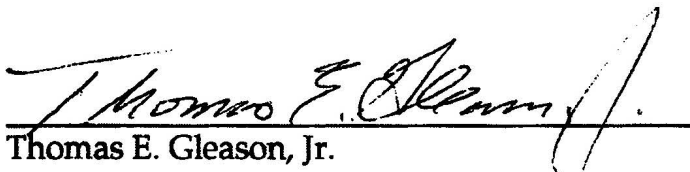


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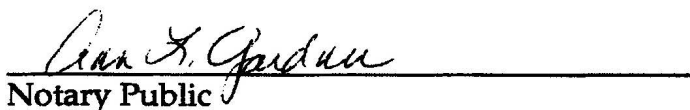
VERIFICATION

STATE OF KANSAS, DOUGLAS COUNTY, ss:

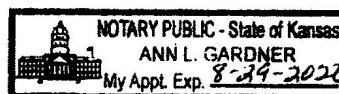
Thomas E. Gleason, Jr., of lawful age, being first duly sworn, on his oath states: He is the attorney for Wilson Telephone Company; that he has read the above and foregoing Petition for Reconsideration; that the statements, allegations and matters contained therein are true and correct.


Thomas E. Gleason, Jr.

Subscribed and sworn to before me this 12 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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