

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

In the Matter of the Audit of TracFone Wireless, Inc.)
by the Kansas Universal Service Fund (KUSF))
Administrator Pursuant to K.S.A. 2018 Supp. 66-2010(b)) Docket No. 20-TFWZ-054-KSF
for KUSF Operating Year 22, Fiscal Year)
March 2018- February 2019.)

STAFF’S NOTICE OF DATA REQUEST RESPONSES

COMES NOW the Commission Staff (“Staff”) and notifies the Commission of TracFone Wireless, Inc.’s (TracFone) responses to Staff Data Request Nos. 17-19. Staff further 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

2. On August 19, 2019, GVNW electronically sent audit correspondence with instructions, standard Data Requests and confidentiality disclosures to the contact reference contained in the KUSF Administrator’s records for TracFone. The initial 16 standard Data Requests were due on August 28, 2019. GVNW granted extensions of time for TracFone to respond to the Data Requests, with some extensions resulting in responses being provided six weeks after issuance. In response to Data Request Nos. 2, 8, and 9, TracFone did not provide all of the requested information, resulting in GVNW issuing Data Request Nos. 17 and 19. Data Request No. 18 was issued to address significant monthly revenue variances. With respect to Data Request Nos. 17 through 19, TracFone stated it was postponing providing the responses until an on-site audit visit by GVNW on January 28-29, 2020.

¹ K.S.A. 2018 Supp. 66-2010(b)(1).

² K.S.A. 2018 Supp. 66-2010(b)(2)

3. On December 5, 2019, GVNW, the Staff and TracFone held a telephone conference to discuss a possible resolution of the discovery issues that have arisen. TracFone maintained it could not respond to Data Request Nos. 17-19 for another month and requested permission to respond by January 18, 2019. TracFone stated it verbally provided a blanket objection to all Data Requests submitted by GVNW and advised GVNW that it needs a minimum of 30 days to respond to discovery. The Staff indicated to TracFone that it would file a Motion to Compel and did so on December 9, 2019 requesting the Commission to establish a firm date to respond to Data Request Nos. 17-19 and to determine whether a 30-day response time for discovery was appropriate under the KUSF Audit Selections and Audit Review Procedures established in Docket No. 18-GIMT-084-GIT on August 8, 2019. The Audit Review Procedures set forth specific requirements for filing responses to Data Requests and permit a possible extension period of seven days for information that is identified as being unable to be produced within the time interval, coupled by an explanation why the information cannot be produced on time.³ The Audit Procedures also limit seven-day extensions to two requests for a total to fourteen days, unless otherwise excused by the Commission, and enable GVNW to request a Motion to Compel, if compliance does not occur.⁴ No extension was sought from the Commission under the Audit Review Procedures for the late-filed discovery responses.

4. By December 20, 2019, TracFone did provide full responses to Data Request Nos. 17-19 and complied out of time to the Staff's discovery. No issue regarding further discovery is at issue currently, because of the TracFone late submission, but the Staff maintains its request for

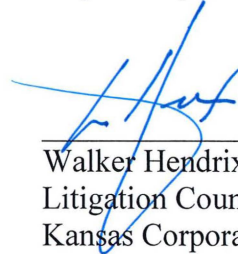
³ Order Accepting GVNW's KUSF Year 22 Audit Selections and Revisions to Selection Criteria and Audit Review Procedures, Docket 18-GIMT-084-GIT, at Attachment 2, Part III, para. O, page 4 (August 8, 2019).

⁴ *Id.*

a determination regarding the appropriateness of TracFone's position that it needs a minimum of 30 days to respond to any Staff Data Request.

WHEREFORE, Staff provides Notice of the TracFone Data Request submissions and the remaining issue for determination regarding a blanket 30-day response time for all discovery submitted by GVNW as part of the Audit Review Procedures and the time limitations imposed on the completion of all KUSF Audits.

Respectfully Submitted,

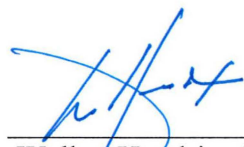


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STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)

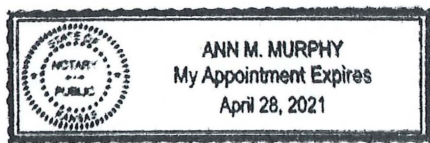
VERIFICATION

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* and attests that the statements contained therein are true and correct to the best of his knowledge, information and belief.



Walker Hendrix, 08835
Litigation Counsel
Kansas Corporation Commission

Subscribed and sworn to before me this 26 day of December, 2019.





CERTIFICATE OF SERVICE

20-TFWZ-054-KSF

I, the undersigned, certify that a true and correct copy of the above and foregoing Staff's Notice of Data Request Responses was served via electronic service this 26th day of December, 2019, to the following:

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