

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

Before Commissioners: Shari Feist Albrecht, Chair
 Jay Scott Emler
 Dwight D. Keen

In the Matter of the Audit of Birch Telecom of)
Kansas, Inc. by the Kansas Universal Service)
Fund (KUSF) Administrator Pursuant to K.S.A.) Docket No. 18-BTKT-033-KSF
2016 Supp. 66-2010(b) for KUSF Operating)
Year 20, Fiscal Year March 2016-February 2017.)

ORDER ADOPTING REVISED ASSESSMENT REPORT

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and determination. Having examined its files and record, and being duly advised in the premises, the Commission finds and concludes as follows:

1. On July 31, 2018, the Commission issued an Order adopting and accepting the Audit Report of GVNW Consulting, Inc. (GVNW), the Administrator for the Kansas Universal Service Fund, in this docket.¹ As part of the Order, Birch Telecom of Kansas, Inc. (Birch), was directed to correct certain deficiencies in its reporting and to file a True-up Audit Report. Birch submitted an updated revised Carrier Remittance Worksheet (CRW) for the month of December 2016 as part of this process. The revised CRW resulted in a slight modification of the amount of revenue reported and increased the KUSF assessment owed by Birch from \$27,911.31 to \$27,928.71, for a difference of \$17.40.

2. GVNW filed correspondence in this docket on August 16, 2018, apprising the Commission of corrections made to the Birch December 2016 assessment. In the letter, GVNW indicated the Commission Order Adopting Audit Report had found that Birch had filed a revised

¹ Kansas Universal Service Fund Audit Report, Docket No. 18-BTKT-033-KSF, July 29, 2018 (as revised on August 3, 2018, showing certain non-confidential information Birch had agreed to disclose).

CRW for December 2016 on June 8, 2018, reflecting a payment of \$32,452.63, “consisting of \$27,911.31 of assessments and \$4,541.31 of penalties.”² GVNW also indicated that Birch had further revised its December 2016 CRW in response to the Commission Order Adopting Audit Report and had determined it owed \$27,928.71 for the KUSF assessment. The updated revised CRW was developed using actual revenue for December 2016, rather than calculated revenue based on assessments collected from subscribers, which had been Birch’s past practice of reporting revenue. Consequently, with the updated revised CRW, the previous assessment in the Order was inaccurate and should be corrected to show that Birch’s December 2018 Assessment is \$27,928.71 or \$17.40 more than previously set forth by the Commission. GVNW indicated Birch had paid \$27,928.71 it owed and no deficiency exists.

3. Accordingly, the Commission finds the Birch December 2016 assessment should be recognized as \$27,928.71 to correct the previous amount of \$27,911.31, which was inaccurately set forth in the July 31, 2018, Order Adopting Audit Report.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Commission accepts and adopts GVNW Consulting, Inc.’s Audit Report as supplemented and corrected to reflect the Birch Telecom of Kansas, Inc. December 2016 assessment of \$27,928.71, which has been paid, and revise the previously incorrect reported assessment amount of \$27,911.31 in the Order Adopting Audit Report dated July 31, 2018.

B. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529 (a) (1).³

² Order Adopting Audit Report, Docket No. 18-BTKT-033-KSF, ¶8 at 5, July 31, 2018.

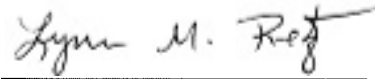
³ K.S.A. 66-118b; K.S.A. 77-503 (c) and K.S.A. 77-531(b).

C. The Commission retains jurisdiction over Birch Telecom of Kansas, LLC, and the subject matter of this Docket for the purpose of issuing such additional orders as it may deem necessary.

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 08/23/2018



Lynn M. Retz
Secretary to the Commission

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CERTIFICATE OF SERVICE

18-BTKT-033-KSF

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 08/24/2018.

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