

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Before Commissioners: Mark Sievers, Chairman
Ward Loyd
Thomas E. Wright

In the Matter of a General Investigation of	)	
US South Communications, Inc. to Show Cause	)	
Why This Commission Should Not Initiate	)	Docket No.
Sanctions and Fines and Cancel, Suspend	)	12-USIC-599-SHO
and Revoke Any Authority the Carrier	)	
Currently Holds.	)	

ORDER TO SHOW CAUSE

NOW, 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 records and being duly advised on the premises, the Commission finds and concludes as follows:

1. On April 25, 1996, the Commission issued an order in Docket No. 194,139-U granting US South Communications, Inc. ("South") a certificate of convenience and authority to provide IXC service in the state of Kansas.

2. On July 16, 2010, the Commission issued its Final Order adopting new Telecommunications Billing Practice Standards in Docket No. 06-GIMT-187-GIT. The final order required all telecommunications public utilities, telecommunications carriers, local exchange carriers, and all entities designated as Eligible Telecommunications Carriers, providing service through land lines, to file tariffs as required incorporating the new standards within 90 days. South is one of the entities required to make such filings.

3. On October 5, 2010, the Commission issued an order in Docket No. 06-GIMT-187-GIT extending the 90-day deadline for carriers to file tariffs, incorporating the new Billing

Practice Standards, to December 13, 2010. Commission Staff sent a letter on October 12, 2010, to all local exchange and telecommunications carriers including South, alerting them to the Commission's Order extending the filing deadline and including instructions on how to make the required filings.

4. South did not make the required filings by the extended deadline and on April 15, 2011, Commission Staff sent a letter to all non-compliant carriers containing a deadline of April 29, 2011, to file tariffs or statements of compliance. South did not make the required filings by the stated deadline. A second Commission Staff letter was sent to the remaining non-compliant certified carriers, including South, stating that if they did not come into compliance within 30 days, Commission Staff would seek to initiate Show Cause proceedings for non-compliance with a Commission order.

5. As of November 16, 2011, twenty-three carriers, including South are still in non-compliance.

6. On January 3, 2012, Commission Staff filed its Report and Recommendation, attached hereto and made a part hereof by reference, recommending the Commission issue an Order requiring South's interexchange carrier (IXC) to show cause why the Commission should not initiate sanctions and fines and cancel, suspend, and revoke any Kansas authority South currently holds.

IT IS THEREFORE, BY THE COMMISSION ORDERED THAT:

A. On or before March 13, 2012, US South Communications, Inc. shall show cause to this Commission why the Commission should not take action including, but not limited to, imposing sanctions and fines, and cancelling, suspending, or revoking, the certificates of

convenience and authority currently held by US South Communications, Inc. to provide IXC telecommunications services in Kansas.

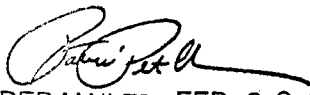
B. A party may file a petition for reconsideration of this order within fifteen (15) days from the date of service of this order. If service is by mail, service is complete upon mailing and three (3) days shall be added to the above fifteen (15) day time period. K.S.A. 66-118b; K.S.A. 77-529.

C. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further orders as it may deem necessary.

BY THE COMMISSION, IT IS SO ORDERED.

Sievers, Chmn; Loyd, Comm.; Wright, Comm.

Dated: FEB 20 2012


ORDER MAILED FEB 20 2012
Patrice Petersen-Klein
Executive Director

RAF

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Mark Sievers, Chairman
Ward Loyd, Commissioner
Thomas E. Wright, Commissioner

Sam Brownback, Governor

**REPORT AND RECOMMENDATION
UTILITIES DIVISION**

TO: Chairman Mark Sievers
Commissioner Ward Loyd
Commissioner Thomas E. Wright

FROM: Thomas C. Behner

DATE: January 3, 2012

DATE SUBMITTED TO EXECUTIVE DIRECTOR: 1/4/12

DATE SUBMITTED TO LEGAL: 1/5/12 *pm*

DATE SUBMITTED TO COMMISSIONERS: 2-13-12

SUBJECT: In the Matter of a General Investigation of US South Communications, Inc. 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:

US South Communications, Inc. (US South) is delinquent in filing revised tariffs incorporating the new Telecommunications Billing Practice Standards as directed by the Commission in Docket No. 06-GIMT-187-GIT. The Company was notified several times of this delinquency. However, US South has failed to respond to Staff's inquiries. Staff recommends the Commission open a proceeding requiring US South to show cause why this Commission should not initiate sanctions or fines and cancel, suspend or revoke any authority the carrier currently holds.

BACKGROUND:

On April 25, 1996, the Commission granted US South Communications, Inc. a Certificate of Convenience and Authority to provide Interexchange (IXC) service in Docket No. 194,139-U.

On July 16, 2010, the Commission issued its Final Order adopting new Telecommunications Billing Practice Standards in Docket No. 06-GIMT-187-GIT. The Final Order required all telecommunications public utilities, telecommunications carriers, local exchange carriers and all entities designated as Eligible Telecommunications Carriers (ETCs) providing service through land lines to file tariffs as required incorporating the new standards within 90 days.

ANALYSIS:

On October 5, 2010, the Commission issued an Order in Docket No. 06-GIMT-187-GIT extending the 90-day deadline for carriers to file tariffs, incorporating the new Billing Practice Standards, to December 13, 2010. Staff sent a letter on October 12, 2010, to all local exchange and telecommunications carriers alerting them to the Commission's Order extending the filing deadline and including instructions on how to make the required filings.

Staff sent a letter on April 15, 2011, to all non-compliant certificated carriers containing a deadline of April 29, 2011, to file tariffs or statements of compliance. On September 22, 2011, a second Staff letter was sent to the remaining non-compliant certified carriers stating that if they did not come into compliance within 30 days, Staff would seek to initiate Show Cause proceedings for non-compliance with a Commission Order.

As of November 16, 2011, twenty-three carriers were still in non-compliance.

RECOMMENDATION:

On December 12, 2011, the Commission ordered the Telecommunications Billing Practice Standards Docket No. 06-GIMT-187-GIT be closed and "any issues of non-compliance shall be handled in separate Show Cause proceedings".

As directed by the Commission, this Report and Recommendation is a request to Show Cause US South's IXC for failure to file the appropriate tariffs or statement regarding the new Billing Practice Standards.

IN RE: DOCKET NO. 12-USIC-599-SHO

DATE FEB 20 2012

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
ROBERT A. FOX, SENIOR LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604-4027 ***Hand Delivered***		
M. MICHELLE RICHARDSON US SOUTH COMMUNICATIONS, INC. D/B/A US SOUTH AND INCOMM 250 WILLIAMS STREET SUITE M-100 ATLANTA, GA 30303-1032		

ORDER MAILED FEB 20 2012

The Docket Room hereby certified that on this _____ day of _____, 20_____, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.