

**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 a General Investigation for    )  
Tempo Telecom, LLC, to Show Cause Why    )  
This Commission Should Not Initiate            )  
Sanctions and Fines and/or Revoke its            )       Docket No. 19-TEMT-082-SHO  
Eligible Telecommunications Carrier            )  
Designation the Carrier Currently Holds.       )

**ORDER TO SHOW CAUSE**

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.       The Commission has broad supervisory authority over all telecommunications public utilities in the state of Kansas and has duty to inquire into any violation of law by a telecommunications public utility and its officers, agents and employees.<sup>1</sup>

2.       Tempo Telecom, LLC (Tempo) has its corporate headquarters in Atlanta, Georgia, and offers wireless telecommunication services in Kansas.<sup>2</sup> It is an Eligible Telecommunications Carrier (ETC) under the federal Lifeline program.<sup>3</sup> Recently, Tempo was the subject of a Kansas Universal Service Fund (KUSF) audit as part of the Commission's carrier review process for the fiscal year March 1, 2017 through February 28, 2018 (KUSF Operating Year 21).<sup>4</sup> In the Commission's Order of July 26, 2018 in Docket No. 18-TEMT-043-KSF, it was noted in reference

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<sup>1</sup> K.S.A. 2017 Supp. 66-1,195.

<sup>2</sup> FCC Form 499 Filer Database (last reviewed July 12, 2018).

<sup>3</sup> Order Granting Eligible Telecommunications Carrier Status in Kansas, Docket No. 13-BTKT-403-ETC, June 5, 2013 (13-403 Order), and Order Granting Expanded Eligible Telecommunications Carrier Status in Kansas, Docket No. 14-BTKT-051-ETC, September 10, 2013 (14-051 Order).

<sup>4</sup> Order Adopting Audit Report, Docket No. 18-TEMT-043-KSF, July 26, 2018 (18-043 Order); Order Nunc Pro Tunc, Docket No. 18-TEMT-043-KSF, July 31, 2018.

to the Audit Report prepared by KUSF Administrator GVNW Consulting, Inc. (GVNW), that Tempo had numerous filing deficiencies over a number of years from the time of its registration with the KUSF in fiscal year 17 through fiscal year 22.<sup>5</sup> To address any future filing and payment delinquencies, the Commission directed its Staff to initiate show cause proceedings in the event of continued violations of Tempo's KUSF obligations.<sup>6</sup>

3. GVNW supplemented its previous Audit Report with a Memorandum to the Commission Staff on August 9, 2018, which updated the most recent Tempo filing delinquencies.<sup>7</sup> GVNW reported that Tempo had not reported its revenue for the months of May and June 2018 nor made corresponding assessment payments to the KUSF.<sup>8</sup> Filings and payments for May and June 2018 would have been respectively due on June 14 and July 15, 2018. GVNW went on to say that Tempo failed to timely file CRWs and make assessment payments for December 2017, as well as January, March and April 2018.<sup>9</sup> GVNW noted Tempo had made its annual True-up filing for the period of March 2017 through February 2018 with incorrect data and had not yet submitted a corrected report for Fiscal Year 21.<sup>10</sup> According to GVNW, Tempo was late in filing its Fiscal Year 22 Company Identification and Operations Form.<sup>11</sup> For the calendar year ending December 31, 2017, the Commission Staff in support of the GVNW Memorandum addressed another concern about Tempo indicating that in the Tempo Annual Interrogatory, it had set forth more revenue than it had reported for KUSF purposes.<sup>12</sup> Although Tempo indicated it would file revisions to its past reporting to correct its annual intrastate retail revenue, it has not yet made the necessary

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<sup>5</sup> Kansas Universal Service Fund Audit Report, Docket No. 18-TEMT-043-KSF, at 2.

<sup>6</sup> 18-403 Order at 4 and 6.

<sup>7</sup> GVNW KUSF Memo, Attachment to Staff Report and Recommendation, Docket No. 19-TEMT-082-SHO, August 9, 2018.

<sup>8</sup> *Id.* at 3.

<sup>9</sup> *Id.* at 2 and 3.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.* at 3.

<sup>12</sup> Staff Report and Recommendation, Docket No. 19-TEMT-082-SHO, at 3, August 9, 2018.

corrections. In the face of a practice of making delinquent and deficient filings, GVNW and the Commission Staff have sent Tempo delinquency notices and other communications, apprising Tempo of the obligation to provide timely and correct information for KUSF reporting, to no avail. Additionally, GVNW indicates Tempo maintains an outstanding unpaid penalty balance of \$928.28.<sup>13</sup>

4 Based on the GVNW memorandum and its own review, the Commission Staff submitted a Report and Recommendation, attached to this Order and made a part by reference, advising the Commission to proceed with a Show Cause investigation.<sup>14</sup> Accordingly, based on documented deficiencies provided to the Commission by GVNW and the Commission Staff, the Commission is prepared to open an investigation of Tempo in order to have it show cause why it should not be subject to sanctions and fines and to the cancellation, suspension and/or revocation of its ETC designation as a result of its KUSF filing and payment violations.

5. As an ETC, Tempo agreed to comply with certain requirements and standards in order to receive a low-income Lifeline wireless designation.<sup>15</sup> ETC designation first and foremost must be consistent with the public interest, convenience and necessity.<sup>16</sup> An ETC must also have the financial and technical capability to provide supported Lifeline service.<sup>17</sup> Moreover, an ETC carrier is obligated to comply with all “applicable federal and state laws, rules, regulations, and orders.”<sup>18</sup> Inconsistent with its ETC designation, Tempo has repeatedly failed to comply with its

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<sup>13</sup> *Id.* at Attachment: GVNW KUSF Memo at 3.

<sup>14</sup> Staff Report and Recommendation, Docket No. 19-TEMT-082-SHO, at 3, August 9, 2018.

<sup>15</sup> See, Application of Birch Telecom of Kansas, Inc. d/b/a Birch Communications for Designation as an Eligible Telecommunications Carrier in the State of Kansas for the Limited Purpose of Offering Lifeline Service to Qualified Households and Amendment to Application of Birch Telecom of Kansas, Inc. d/b/a Birch Communications for Designation as an Eligible Telecommunications Carrier in the State of Kansas for the Limited Purpose of Offering Lifeline Service to Qualified Households, Docket No. 13-TEMT-403-ETC, December 7, 2012 and April 5, 2013 and Application of Tempo Telecom, LLC to Expand Designation as an Eligible Telecommunications Carrier, Docket No. 14-BTKT-051-ETC, July 24, 2014. See also, 13-403 Order at 3-4 and 14-051 Order at 2-4.

<sup>16</sup> 13-403 Order at 3.

<sup>17</sup> *Id.*

<sup>18</sup> *Id.* at 4.

ETC certification filing requirements and KUSF obligations, including timely submission of monthly Carrier Remittance Worksheets (CRW), assessment payments and the Company's annual Identification and Operation form. GVNW, as KUSF Administrator, has assessed multiple penalties against Tempo for failure to comply with Commission's orders and rules and regulations.<sup>19</sup> These ETC and KUSF violations have raised concerns regarding Tempo's technical and financial capability as well as its ability to comply with Commission statutes, orders and rules and regulations. It has also brought into question whether the ETC designation received by Tempo remains in the public interest, convenience and necessity.

6. As further noted in the GVNW Memorandum dated August 9, 2018, Tempo, among other deficiencies, never remitted the Fiscal Year 19 Annual Carrier Remittance Worksheet and assessment that was due on April 15, 2015 (even though it elected to file annually); switched to quarterly reporting and filed a first quarter CRW and assessment payment late on August 6, 2015; filed a second quarterly CRW (due July 15, 2015) on January 20, 2016 and did not make its assessment payment until February 4, 2016; filed a fourth quarter CRW (due December 15, 2015) on March 4, 2016, and did not make its assessment payment until August 9, 2016 and filed its annual true-up (due April 15, 2016) on August 9, 2016.<sup>20</sup> During Fiscal Year 20, Tempo switched to monthly reporting but failed to timely submit CRWs for March, April and May 2016, providing the reports and assessments on June 15, 2016; made late outstanding delinquency payments and failed to properly report federal Lifeline revenue.<sup>21</sup> In regards to the filing and payment delinquencies as well as other irregularities, GVNW and the Commission Staff have attempted to

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<sup>19</sup> Staff Report and Recommendation, Docket No. 19-TEMT-082-SHO, (August 9, 2018).

<sup>20</sup> *Id.* at Attachment: GVNW KUSF Memo at 1-2.

<sup>21</sup> *Id.* at 2.

get Tempo to clarify its processes and to explain the deficiencies, but they have yet to receive a response from Tempo to their requests.<sup>22</sup>

7. K.S.A. 2017 Supp. 66-2008 (a) authorizes the Commission to require carriers, including wireless telecommunications service providers, to contribute to the KUSF on an equitable and non-discriminatory basis. The Commission has issued orders under its statutory mandate to provide registration and timely reporting and assessment payments. Tempo has consistently failed to make timely contributions to the KUSF and to meet its reporting and payment obligations. It is therefore in violation of K.S.A. 2017 Supp. 66-2008 (a). As part of this investigation, Tempo needs to Show Cause Why it should not be subject to additional penalties and sanctions.

8. K.S.A. 2017 Supp. 66-138 (a) (2) provides the Commission with authority to levy fines and penalties against a telecommunications carrier for violating statutes under which the Commission has a duty to act, refusing to comply or obey any lawful Commission requirement and failing to abide by any Commission order. A sum not less than \$100 and no more than \$5,000 may be assessed against a violator for each offense. The statutory penalties for violating Commission statutes, orders and rules and regulation may be applicable to Tempo and it is determined that Temp should Show Cause Why penalties and fines should not be assessed for its repeated violation of KUSF requirements.

**IT IS THEREFORE, BY THE COMMISSION ORDRED THAT:**

A. Tempo Telecom, LLC shall show cause, within thirty (30) days of receipt of this Order, why it should not be subject to sanctions and fines and its ETC designation should not be cancelled, suspended and/or revoked.

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<sup>22</sup> Kansas Universal Service Fund Audit Report, Docket No. 18-TEMT-043-KSF, Attachment A at 3.

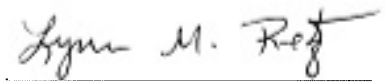
B. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).<sup>23</sup>

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.**

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 08/28/2018



Lynn M. Retz  
Secretary to the Commission

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<sup>23</sup> K.S.A. 66-118b; K.S.A. 77-503(c); and K.S.A. 77-531(b).

# STATE OF KANSAS



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SHARI FEIST ALBRECHT, CHAIR | JAY SCOTT EMLER, COMMISSIONER | DWIGHT D. KEEN, COMMISSIONER

## REPORT AND RECOMMENDATION UTILITIES DIVISION

**To:** Chair Shari Feist Albrecht  
Commissioner Jay Scott Emler  
Commissioner Dwight Keen

**From:** Sandy Reams, Assistant Chief of Telecommunications  
Christine Aarnes, Chief of Telecommunications  
Jeff McClanahan, Director of Utilities

**Date:** August 9, 2018

**Re:** Docket No. 19-TEMT-\_\_\_-SHO  
In the Matter of a General Investigation for Tempo Telecom, LLC to Show Cause Why this Commission Should Not Initiate Sanctions and Fines and/or Revoke its Eligible Telecommunications Carrier Designation the Carrier Currently Holds.

### EXECUTIVE SUMMARY

Tempo Telecom, LLC (Tempo), headquartered in Atlanta, Georgia,<sup>1</sup> offers wireless telecommunications services in Kansas. Tempo is an Eligible Telecommunications Carrier (ETC) for federal Lifeline program purposes.<sup>2</sup> Tempo is non-compliant with K.S.A. 66-2008(a) for failure to comply with Kansas Universal Service Fund (KUSF) obligations and was non-compliant with Commission Orders regarding its annual ETC certification.<sup>3</sup>

Pursuant to Commission Order,<sup>4</sup> Staff recommends that the Commission issue an Order to open a proceeding and require Tempo to show cause why it should not be subject to penalties, sanctions or fines and/or its ETC designation revoked for failure to maintain compliance with its Kansas statutory obligations.

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<sup>1</sup> FCC Form 499 Filer Database, <http://apps.fcc.gov/cgb/form499/499detail.cfm?FilerNum=829777>, last viewed July 12, 2018.

<sup>2</sup> Order Granting Eligible Telecommunications Carrier Status in Kansas, Docket No. 13-TEMT-403-ETC (Docket 13-403), June 5, 2013 (13-403 ETC Order) and Order Granting Expanded Eligible Telecommunications Carrier Status in Kansas, Docket No. 14-BTKT-051-ETC (Docket 14-051), September 10, 2013 (14-051 ETC Order).

<sup>3</sup> Order Opening Docket and Amended Order Opening Docket, Docket No. 18-GIMT-394-GIT, April 5, 2018; and Amended Order Opening Docket, April 17, 2018. ETCs were required to file their annual certification documentation by July 2, 2018. Tempo filed its Annual Certification Filing Form 481 & KCC Form Attachment 6 on July 24, 2018, and subsequently submitted revised data.

<sup>4</sup> Order Adopting Audit Report, Docket No. 18-TEMT-043-KSF, July 26, 2018.

## **BACKGROUND**

K.S.A. 66-2008(a) requires every telecommunications carrier, telecommunications public utility, wireless telecommunications service provider, and interconnected VoIP service to contribute to the KUSF based on its intrastate telecommunications services net retail revenues. Tempo first registered for KUSF purposes for the March 1, 2013, through February 28, 2014, fiscal year.

Both of Tempo's Applications requesting ETC designation affirmed the Company is technically and financially capable of providing Lifeline services.<sup>5</sup> Tempo further committed to complying with the Commission's annual ETC Recertification process and filing data as directed.<sup>6</sup> Tempo also stated that its designation as a Lifeline-only ETC was in the public interest.<sup>7</sup>

The Commission's Orders granting Tempo ETC designation and expanded designation require Tempo to meet all of its KUSF, certification, and other ETC obligations.<sup>8</sup>

On August 1, 2017, the Commission opened Docket No. 18-TEMT-043-KSF and directed GVNW Consulting, Inc. (GVNW), the KUSF Administrator, to conduct an audit of Tempo for KUSF purposes. On June 29, 2018, GVNW submitted its Audit Report, in which it identified two audit findings: (1) the Company failed to report the revenues as recorded on its books and records; and (2) Tempo did not report the total monthly service charge for its Lifeline service plan for the months of July 2016 to March 2018.<sup>9</sup> GVNW also advised the Commission of Tempo's repeated failure to comply with its KUSF obligations, as detailed in a Memorandum included as Attachment A to the Audit Report. Attachment A addressed Tempo's delinquent status with its KUSF obligations for the period of March 2015 through February 2018. GVNW recommended that the Commission issue an Order directing Tempo to cure the audit deficiencies and directing Staff "to initiate a show cause proceeding if the Company becomes delinquent with its KUSF obligations in the future."<sup>10</sup>

On July 26, 2018, the Commission issued its Order Adopting Audit Report (Audit Order) and directed Staff to initiate a show cause proceeding for Tempo if the Company continued to be delinquent with its KUSF obligations.

On August 10, 2018, GVNW submitted a Memorandum to Staff addressing Tempo's delinquent status with its KUSF obligations. GVNW provided information regarding Tempo's delinquencies with its KUSF obligations for the period of March 2017 through August 9, 2018. GVNW's

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<sup>5</sup> Application of Birch Telecom of Kansas, Inc. d/b/a Birch Communications for Designation as an Eligible Telecommunications Carrier in the State of Kansas for the Limited Purpose of Offering Lifeline Service to Qualified Households and Amendment to Application of Birch Telecom of Kansas, Inc. d/b/a Birch Communications for Designation as an Eligible Telecommunications Carrier in the State of Kansas for the Limited Purpose of Offering Lifeline Service to Qualified Households, ¶ 21-24, Docket 13-403; April 5, 2013; (13-403 ETC Application) and Application of Tempo Telecom, LLC to Expand Designation as An Eligible Telecommunications Carrier, Docket No. 14-BTKT-051-ETC, July 24, 2014 (14-051 ETC Application), ¶ 30 -35.

<sup>6</sup> 13-403 Application, ¶ 37 - 38; 14-051 ETC Application, ¶ 55 - 52.

<sup>7</sup> 13-403 Application, ¶ 42 - 47; 14-051 ETC Application, ¶ 56 - 65.

<sup>8</sup> 13-403 ETC Order, 14-051 ETC Order.

<sup>9</sup> Kansas Universal Service Fund Audit Report, p. 1, Docket No. 18-TEMT-043-KSF, June 29, 2018 (Audit Report).

<sup>10</sup> Id., p. 2.



Memorandum, included as Attachment 1 to this R&R, states that Tempo remains delinquent with its reports for the months of May and June 2018 and has not submitted a corrected Annual True-Up for the KUSF Year 21 Fiscal Year (FY 21), effective March 1, 2017, through February 28, 2018. Tempo also has a \$928.28 delinquent balance on its account, which will change once the Company files its delinquent reports.

In its Annual Interrogatory for the year ended December 31, 2017, notarized May 5, 2018, the Company reported more revenue earned during the year than that reported for KUSF purposes. The Company included a statement that, as determined in the Audit Report, the Company needed to file revisions for KUSF purposes to correct its annual intrastate retail revenues<sup>11</sup> but has yet to do so.

K.S.A. 66-1,195 grants the Commission supervision of all telecommunications public utilities over which the commission has jurisdiction and authority to inquire into the “neglect or violations *of the laws of this state* by any such telecommunications public utility or by the officers, agents or employees thereof.” (Emphasis added).

### **ANALYSIS**

Tempo has a history of non-compliance with its statutory and regulatory obligations since it was granted designation as a Lifeline-only ETC. The Commission, in its Audit Order, informed Tempo that Staff was directed to initiate a show cause proceeding if Tempo remained non-compliant with its KUSF obligations, however, Tempo has not cured its delinquencies. Staff, therefore, is concerned that it may no longer be in the public interest for Tempo to retain its ETC designation.

Tempo has been subject to penalties levied by GVNW, however, such penalties have not ensured Tempo’s compliance with its obligations. The Commission, therefore, may wish to also assess additional penalties against Tempo for failure to comply with Commission Orders and Kansas statute. K.S.A. 66-138 authorizes the Commission to levy fines or penalties against a common carrier or public utility for violation of state statute; failing or neglecting to obey a lawful requirement or order of the Commission; or final judgment or decree made by a court of appeals. K.S.A. 66-138(a)(2) authorizes the Commission to assess an amount “not less than \$100 and not more than \$5,000 for such offense.”

### **RECOMMENDATION**

Based on the information provided in this R&R and GVNW’s Memorandum, Staff recommends that the Commission issue an Order to open a proceeding and require Tempo to show cause why it should not be subject to penalties, sanctions, or fines and/or its ETC designation revoked for failure to comply with its Kansas statutory obligations.

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<sup>11</sup> 2017 Annual Interrogatory, p. 2.



CONSULTING

## KUSF MEMO

Date: August 9, 2018  
To: Sandy Reams, Assistant Telecommunications Chief  
From: Nicole Stephens, KUSF Compliance Manager  
RE: Tempo Telecom, LLC – KUSF Account KS004211

### **BACKGROUND**

This Memorandum provides KUSF reporting information for Tempo Telecom, LLC (“Tempo”), KUSF Account No. KS004211 to address Tempo’s continued delinquencies since the Commission’s Order adopting GVNW Consulting, Inc.’s (GVNW) Audit Report in Docket No. 18-TEMT-043-KSF directed Staff to initiate a show cause proceeding if Tempo failed to meet its KUSF obligations.

The Memorandum recaps the information provided to the KUSF auditor, for the period of March 2015 through February 2018 fiscal years (FY). Tempo first registered with the KUSF for the March 2013 – February 2014 fiscal year (FY 17), and became delinquent during FY 17. Tempo has been delinquent in (every)? KUSF year. This Memorandum, however, provides KUSF reporting information for FY 19 through FY 21, along with the months of March through June 2018 period, to focus on the Company’s delinquent status around the Audit Period.

For FY 19, Tempo’s KUSF delinquencies included the following:

- FY 19 Company Identification and Operations form, referred to as Attachment B, was due on April 15, 2015. The FY 19 Attachment B was received on May 27, 2015. Tempo elected to report and pay on an Annual basis for FY 19, but never remitted the FY 19 Annual Carrier Remittance Worksheet (CRW) and assessment, due April 15, 2015.
- On August 6, 2015, a revised FY 19 Attachment B, changing reporting frequency from Annual to Quarterly, was received, along with the FY 19 1<sup>st</sup> Quarter (March - May) CRW and assessment payment. Tempo incurred Late Worksheet<sup>1</sup> penalties totaling \$500.00;
- FY 19 2<sup>nd</sup> Quarter (June - August) CRW, due July 15, 2015, was received on January 20, 2016. Tempo was assessed Late Worksheet and Delinquent Balance<sup>2</sup> penalties totaling \$104.47. The

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<sup>1</sup> Order, Docket No. 06-GIMT-332-GIT, 1/23/2006.

<sup>2</sup> Order, Docket No. 10-GIMT-188-GIT, 1/13/2010.

2<sup>nd</sup> Quarter assessment payment, also due July 15, 2015, was not paid until February 4, 2016, with an additional \$2.53 in Late Payment<sup>3</sup> and Delinquent Balance penalties being assessed;

- FY 19 4<sup>th</sup> Quarter (December 2015 - February 2016) CRW and assessment were due December 15, 2015. The CRW was received on March 4, 2016. The 4<sup>th</sup> Quarter assessment, also due December 15, 2015, was not paid until August 9, 2016. Tempo was assessed, in total, Late Worksheet and Delinquent Balance penalties of \$127.50 for the 4<sup>th</sup> Quarter period;
- Total outstanding balance as of February 1, 2016, was \$551.79, comprised of prior late penalties of \$148.32 related to FY 18 (March 2014 - February 2015); 2Q FY 19 assessment of \$299.00; and 2Q FY 19 late penalties of \$104.47);
- FY 19 Annual True-up, due on April 15, 2016, was received on August 9, 2016; and
- For FY 19, Tempo was assessed total penalties of \$734.50, of which \$375.64 was prepaid on 7/14/15, \$338.03 was paid on August 9, 2016, and the remaining \$20.83 of FY 19 penalties were paid on January 11, 2017.

For FY 20, Tempo's KUSF delinquencies included the following:

- FY 20 Attachment B, due on April 15, 2016, was received on May 25, 2016; Tempo elected to report and pay on a Monthly basis for FY 20;
- The monthly CRWs for March, April and May and related assessment payments were due April 15, 2016; May 16, 2016; and June 15, 2016, respectively, but were received on June 13, 2016. Tempo was assessed Late Worksheet and Late Payment penalties totaling \$306.70;
- June 2016 CRW and assessment payment, due July 15, 2016, were received on July 18, 2016, with the Company being assessed \$108.12 in Late Worksheet and Late Payment penalties;
- Due to non-payment of prior period penalties, as of August 1, 2016, the outstanding delinquent penalties owed by the Company was \$841.68, which Tempo paid on August 9, 2016; and
- in August 2016, the KCC Staff became aware that Tempo may not be reporting its Federal lifeline revenues correctly. Discussions between the Company and Staff resulted in the Company submitting an Annual True-up for FY 19 in March 2017, resulting in Tempo owing \$276.97 in additional assessments to the KUSF, which was paid on April 17, 2017.

For FY 21, Tempo reported to the KUSF on a Monthly basis and was delinquent with the following:

- December 2017 CRW and assessment payment, due January 15, 2018;
- January 2018 CRW and assessment payment, due February 15, 2018; and
- March 2017 - February 2018 Annual True-up, due April 16, 2018, was submitted on April 16, 2018, however, GVNW was unable to process the true-up as it had been modified from its original form by Tempo and therefore contained incorrect data for February 2018. As discussed below, a corrected Annual True-Up has not been submitted.

The December 2017 and January 2018 CRWs were submitted on May 9, 2018. Tempo was assessed a \$100 late CRW penalty for each delinquent CRW. On April 16, 2018, Tempo submitted its FY 21 Annual

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<sup>3</sup> Order, Docket No. 190-492-U (94-GIMT-478-GIT), 2/19/1997.

True-up to the KUSF Administrator. KUSF Annual True-up forms are provided by GVNW to all active KUSF participants following the end of each fiscal year, and contains the most recent revenues reported and the assessments paid to the KUSF for each month. The True-Up form includes a column with the pre-populated data by the KUSF Administrator and a second column for a Company to report any changes that need to be made to reflect the Company's actual revenues that should have been reported and the assessments owed. Tempo modified the pre-populated data provided by the KUSF Administrator to match the revenues and the assessments it reported as "actual" revenues and assessments it entered in the second column, thereby indicating that there was no change in revenue or assessments. GVNW has contacted Tempo regarding this matter, however, Tempo has not submitted a corrected FY 21 True-Up.

For FY 22, Tempo was delinquent in submitting its FY 22 Company Identification and Operations (Attachment B) Form, which was due by April 16, 2018. Tempo submitted its FY 22 Company Identification and Operations (Attachment B) Form on June 4, 2018.

Tempo was also delinquent with the March and April 2018 CRWs and assessment payments, but submitted the March and April 2018 CRWs on July 13, 2018, resulting in the Company owing \$565.40 of total assessments.

Tempo has not submitted its May and June 2018 CRWs, due June 14 and July 15, 2018, respectively, or the related assessment payments. In addition, Tempo's outstanding balance on its KUSF account, as of August 9, 2018, is \$928.28. This balance is comprised of: (1) a preexisting balance of \$155.67; (2) \$565.40 of assessments for March and April 2018; and (3) Late Worksheet Penalties applied for the delinquent March and April 2018 CRWs.

GVNW continues to send Tempo Delinquent Notices.

## CERTIFICATE OF SERVICE

19-TEMT-082-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 08/29/2018.

MICHELLE ANSLEY, CHIEF ADMINISTRATIVE OFFICER  
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/S/ DeeAnn Shupe  
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DeeAnn Shupe