

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Before Commissioners: Pat Apple, Chairman
Shari Feist Albrecht
Jay Scott Emler

In the Matter of a General Investigation for)
Access Point, Inc. to Show Cause Why This)
Commission Should Not Initiate Sanctions and) Docket No. 18-APTC-159-SHO
Fines and any Certificate of Convenience and)
Authority the Carrier Holds Be Canceled,)
Suspended, or Revoked for Non-Compliance)
with Commission Orders and Kansas Statutes.)

ORDER ACKNOWLEDGING COMPLIANCE; CLOSING DOCKET

NOW, the above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having reviewed its files and records and being duly advised in the premises, the Commission makes the following findings:

1. On October 17, 2017, the Commission issued an *Order to Show Cause* in this docket requiring Access Point, Inc. (Access Point) to explain why it should not be subject to enforcement actions for failing to comply with various Commission orders and Kansas statutes.

2. Specifically, Access Point was directed to explain the following deficiencies: (1) failure to pay its Kansas Universal Service Fund (KUSF) assessment of \$901.44 for the period of March 1, 2016, through February 28, 2017, and \$45.68 of accrued penalties; and (2) failure to remit its property tax return as required by K.S.A. 79-5a02.

3. Commission Staff (Staff) submitted a Report and Recommendation (R&R) to the Commissioners on November 17, 2017, attached hereto and made a part hereof by reference.

4. Staff's R&R explained that since the issuance of the *Order to Show Cause*, Access Point has come into compliance with its two outstanding deficiencies. Access Point has remitted its delinquent KUSF assessment and penalty, and remitted its property tax return.

5. Therefore, Staff recommended the Commission dismiss this show cause proceeding and close the docket.

6. The Commission finds Staff's findings and recommendations to be reasonable and hereby adopts the same.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. This show cause proceeding is hereby dismissed, and the docket is closed.

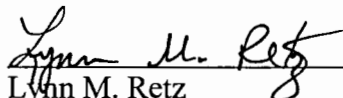
B. The parties have fifteen (15) days, plus three (3) days if service of this order is by mail, from the date this order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118; K.S.A. 77-529(a)(1).

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

BY THE COMMISSION IT IS SO ORDERED.

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: NOV 28 2017


Lynn M. Retz
Secretary to the Commission

MRN

Order Mailed Date
NOV 29 2017

**REPORT AND RECOMMENDATION
UTILITIES DIVISION**

TO: Chairman Pat Apple
Commissioner Shari Feist Albrecht
Commissioner Jay Scott Emler

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

DATE: November 17, 2017

SUBJECT: Docket No. 18-APTC-159-SHO
In the Matter of a General Investigation for Access Point, Inc. to Show Cause Why this Commission Should Not Initiate Sanctions and Fines and any Certificate of Convenience and Authority the Carrier Holds Be Canceled, Suspended or Revoked for Non-Compliance with Commission Orders and Kansas Statutes.

EXECUTIVE SUMMARY:

On October 17, 2017, the Commission issued an Order opening this Docket and requiring Access Point, Inc. (Access Point) to show cause why it should not be subject to sanctions and fines or its Certificates of Convenience to offer competitive local exchange carrier (CLEC)¹ and interexchange carrier (IXC)² services cancelled, suspended, or revoked for failure to comply with Commission orders and Kansas statutes. Access Point was directed to respond to the Order or come into compliance within 30 days of the Order's issuance.

Access Point has come into compliance with its Kansas Universal Service Fund (KUSF) obligations pursuant to K.S.A. 66-2008(a) and its property tax return filings per K.S.A. 79-5a02. Staff recommends the Commission issue an Order dismissing the show cause and closing this Docket.

BACKGROUND:

In a Report and Recommendation (R&R) dated October 9, 2017, Staff explained Access Point was non-compliant with Commission orders and Kansas statutes. Specifically, Access Point owed

¹ Docket No. 08-APTC-705-COC, May 1, 2008 Order (Docket 08-705 Order).

² Docket No. 98-APTC-014-COC, Oct. 7, 1997 Order and Certificate (Docket 98-014 Order).

\$901.44 of assessments to the KUSF as a result of a change in revenues and assessments reported for the period of March 1, 2016, through February 28, 2017, (KUSF Year 20) and \$45.68 of accrued penalties.³ Staff also stated Access Point was delinquent in remitting its property tax return as required by K.S.A. 79-5a02. Staff, therefore, recommended that the Commission issue an Order requiring Access Point to show cause why it should not be subject to sanctions and fines or its Certificates of Convenience to offer CLEC and IXC services cancelled, suspended, or revoked for failure to comply with Commission orders and Kansas statutes.

ANALYSIS:

On November 17, 2017, Access Point remitted the delinquent KUSF assessment and penalty balance. The Company has remitted its property tax return. Therefore, Access Point is in compliance with Commission Orders and its statutory obligations.

RECOMMENDATION:

Access Point is in compliance with its regulatory and statutory obligations. Staff, therefore, recommends that the Commission issue an Order dismissing the show cause and closing this Docket.

³ Docket No. 94-GIMT-478-GIT, Feb. 19, 1997 Order; Docket No. 06-GIMT-332-GIT, Jan. 23, 2006 Order; and Docket No. 10-GIMT-188-GIT, Jan. 23, 2010 Order.

CERTIFICATE OF SERVICE

18-APTC-159-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 NOV 28 2017.

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/S/ DeeAnn Shupe

DeeAnn Shupe

Order Mailed Date

NOV 29 2017