

**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                      )                      Docket No. 19-TEMT-082-SHO  
Sanctions and Fines and/or Revoke its                      )  
Eligible Telecommunications Carrier                      )  
Designation the Carrier Currently Holds.                      )

**ORDER DESIGNATING PREHEARING OFFICER**

This matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having reviewed the pleadings and record, the Commission makes the following findings:

1.        On August 28, 2018, the Commission issued an Order to Show Cause to Tempo Telecom, LLC (Tempo). The Order stated that “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.”<sup>1</sup>

2.        On September 27, 2018, Tempo filed its Response to Show Cause Order, claiming it has made organizational changes to assure its required KUSF filings and payments are accurate and timely, including engaging a new third-party vendor.<sup>2</sup> Tempo informed the Commission it

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<sup>1</sup> Order to Show Cause, ¶ 4, Aug. 28, 2018.

<sup>2</sup> Tempo Telecom, LLC Response to Show Cause Order, ¶ 8, Sep. 27, 2018.

had paid penalties in connection with its late KUSF remittances and payments, and requested the Commission not to assess sanctions and fines or cancel, suspend or revoke its ETC designation.<sup>3</sup>

3. On October 8, 2018, Commission Staff (Staff) filed its Reply to Tempo Telecom, LLC's Response to Order to Show Cause. Staff stated Tempo's compliance came only after the Commission issued a Show Cause Order.<sup>4</sup> Staff disputed Tempo's statements that it lacked knowledge of its KUSF obligation status as Staff had direct contact with Tempo on multiple occasions regarding its KUSF delinquent status.<sup>5</sup> Specifically, Staff provided a chart (Attachment 1 to Staff's Reply) listing twenty-nine (29) times where Tempo was delinquent in its KUSF obligations since receiving its ETC designation in June 2013. Many of those violations include two separate obligations, raising the number of violations to forty-three (43).<sup>6</sup> Accordingly, Staff requests the Commission assess a penalty of at least \$2,900 against Tempo for its past delinquencies in complying with KUSF obligations.<sup>7</sup>

4. The Commission designates Brian G. Fedotin, Deputy General Counsel, 1500 SW Arrowhead Road, Topeka, KS 66604-4027, telephone number (785) 271-3105, [b.fedotin@kcc.ks.gov](mailto:b.fedotin@kcc.ks.gov), as Prehearing Officer in this proceeding.<sup>8</sup> The prehearing officer may conduct any prehearing conferences necessary to address any matters appropriately considered in a prehearing conference, including all items listed in K.S.A. 77-517(b) of the Kansas Administrative Procedure Act (KAPA). The Commission may designate other staff members to serve in this capacity.

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<sup>3</sup> *Id.*, pp. 4-5.

<sup>4</sup> Staff's Reply to Tempo Telecom, LLC's Response to Order to Show Cause, Oct. 8, 2018, ¶ 3.

<sup>5</sup> *Id.*, ¶ 5.

<sup>6</sup> *Id.*, ¶ 8.

<sup>7</sup> *Id.*, p. 4.

<sup>8</sup> K.S.A. 77-514; K.S.A. 77-516; K.S.A. 77-551(c).

**THEREFORE, THE COMMISSION ORDERS:**

- A. Brian G. Fedotin is designated as Prehearing Officer.
- B. The Commission orders electronic service to be used in this proceeding, including this Order.
- C. 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>9</sup>
- D. The Commission retains jurisdiction over the subject matter and parties to enter such orders as it deems necessary.

**BY THE COMMISSION IT IS SO ORDERED.**

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 10/18/2018

BGF/sc



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Lynn M. Retz  
Secretary to the Commission

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<sup>9</sup> K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

## **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 and electronic service on 10/19/2018.

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