

2. LaHarpe further adopts by reference the factual recitation of its October 11, 2019 Separate Response, noting particularly an interval of three and one-half *hours* from the time LaHarpe became aware of an error to the time that inadvertent error was corrected. Staff has not asserted this interval materially interfered with or delayed

Staff's performance of its responsibilities; nor does the record provide any assertion that this interval had any substantive effect on the proceeding or on any party.

3. In the fifteen weeks between LaHarpe's Separate Response and the Commission's Order of January 28, 2020 Commission Staff submitted no response challenging the factual assertions of Home's Separate Response. Similarly, the Commission's Order makes no effort to consider or address the factual circumstances regarding LaHarpe's initial filing of June 28, 2019 in this Docket or the correction of a single transposition of a number. The failure or refusal to consider LaHarpe's factual explanation of its compliance with Commission Orders, absent any factual assertion refuting such explanation, renders the imposition of a penalty arbitrary and capricious.

4. LaHarpe's inadvertent transposition of a single number in its original ETC filing could have been corrected even before the July 1, 2019 ordered filing date. The delay of three weeks in submitting the correction is a consequence of Staff's delay in informing LaHarpe of the simple transposition error. LaHarpe is aware of the numerous filings which required Staff review, but it is undisputed LaHarpe had no role in Staff's decision to defer and later review the LaHarpe ETC filing. To multiply a penalty based on a circumstance beyond the company's control is unreasonable, arbitrary and capricious.

5. It is unreasonable, arbitrary and capricious to impose a penalty for a period during which neither LaHarpe nor Staff was aware of the company's inadvertent error, which error posed no material impediment to staff's performance of its responsibilities in this Docket.

6. Under the undisputed facts a period of three hours in providing corrected information and the effort required of Staff to secure such information were *de minimis* and insufficient to warrant imposition of a penalty, particularly when such penalty is

based on an alleged failure to correct during a period when the error was unknown to Staff and LaHarpe alike.

WHEREFORE LaHarpe prays that the Commission reconsider its Order of January 28, 2020 herein and upon reconsideration rescind the penalty ordered as to LaHarpe. Alternatively, the amount of fine should be reduced to reflect the time, less than four hours, between Staff's contact with LaHarpe regarding an inadvertent error and Home's correction of the substantive information at issue.

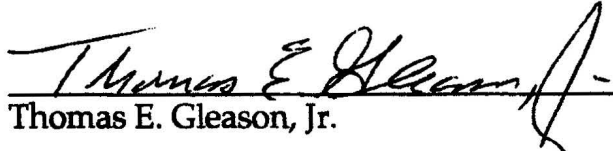
Respectfully Submitted,


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VERIFICATION

STATE OF KANSAS, DOUGLAS COUNTY, ss:

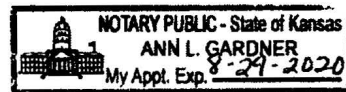
Thomas E. Gleason, Jr., of lawful age, being first duly sworn, on his oath states: He is the attorney for LaHarpe Telephone Company; that he has read the above and foregoing Petition for Reconsideration; that the statements, allegations and matters contained therein are true and correct.


Thomas E. Gleason, Jr.

Subscribed and sworn to before me this 12th day of February, 2020.


Notary Public

My Appointment Expires: 8-29-2020



CERTIFICATE OF SERVICE

Thomas E. Gleason, Jr., hereby certifies that a true and correct copy of the above and foregoing Petition for Reconsideration was served electronically on the following on this 12th day of February, 2020:

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