

Kansas Universal Service Fund
March 1, 2019 - February 29, 2020 (FY 23)
FREQUENTLY ASKED QUESTIONS

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A. REPORTING TO KUSF:

1. Is my Company required to report to the KUSF?

Kansas statute K.S.A. 66-2008(a), implemented through Kansas Corporation Commission (KCC) orders, requires:

every telecommunications carrier, telecommunications public utility and wireless telecommunications service provider that provides intrastate telecommunications services and, to the extent not prohibited by federal law, every provider of interconnected VoIP service, as defined by 47 C.F.R. 9.3 (October 1, 2005), to contribute to the KUSF on an equitable and nondiscriminatory basis. Effective July 1, 2016, a provider may contribute based upon the provider's intrastate telecommunications services net retail revenues using the same methodology as that used for Federal USF purposes, including for bundled service offerings. (K.S.A. 66-2008(a))

- Instructions are available from GVNW's website at: <http://www.gvnw.com/USF/KansasUSF.aspx>

2. Is my company required to collect its KUSF assessment from customers?

- No. Kansas statute, K.S.A. 66-2008(a), authorizes, but does not require, each Provider to collect an amount equal to or less than its KUSF assessment obligation from its customers.

3. Does Kansas have a *de minimus* exemption?

- No. Kansas statute does not include a *de minimus* exemption and the KCC has not adopted one.

4. How often must my company report to the KUSF?¹

- Providers with \$50,000 or more in annual Kansas intrastate retail revenue or that receive high-cost or Lifeline support must report monthly. If a Provider has annual retail revenue *less than \$50,000*, it may elect to file less frequently, as detailed below:

| | |
|-------------|---|
| Quarterly | \$25,001 - \$50,000 in annual revenue |
| Semi-Annual | \$10,001 - \$25,000 in annual revenue |
| Annual | \$10,000 <u>or less</u> in annual revenue |

¹ Order Setting the Kansas Universal Service Fund Assessment Rate for Year Ten and Establishing Reporting Requirements, Docket 06-GIMT-332-GIT, Jan. 23, 2006 (06-332 Order), available for viewing at: <http://estar.kcc.ks.gov/estar/ViewFile.aspx/20060123150938.pdf?Id=6a309f5c-a37f-423a-9645-234b8127da72>.

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A. REPORTING TO KUSF: (cont'd)

5. My company receives KUSF notifications, but does not generate any revenue or have any customers in Kansas. How can my company remove its name from the KUSF distribution list?

- Submit a letter identifying the company and the reason(s) why it is not subject to KUSF (i.e., no customers in KS, has never done business in KS, has no intention of doing business in KS, etc.). The letter must be on company letterhead and signed by an officer of the company. Submit the letter to GVNW and a copy to Commission Staff via email, mail or fax, at the following:

GVNW Consulting, Inc.
KUSF Administration
2930 Montvale Dr., Ste B
Springfield, IL 62704
Fax: (217) 698-2715
E-Mail: KUSF@gvnw.com

Kansas Corporation Commission
Sandy Reams, Assistant Chief of Telecom.
1500 SW Arrowhead Road
Topeka, KS 66604
Fax: (785) 271-3357
Email: s.reams@kcc.ks.gov

6. What forms do I use to report to the KUSF?

All companies must file:

- Attachment B, “Company Identification & Operations,” includes information about your company and the company’s contacts for KUSF purposes. Attachment B must be signed by an officer of the company and submitted to the KUSF administrator by April 16, 2018. [*LINK to Attachment B*](#)
- New Attachment B to report any changes (e.g. address, contact information, agent information, or reporting frequency election), during the KUSF year. A company is authorized to submit a revised Attachment B one time per KUSF year free of charge. An automatic \$100 election change fee is assessed for the 2nd and additional, election changes.²
- Carrier Remittance Worksheets (CRW) in accordance with the frequency selected in Attachment B. CRWs may be filed online via E-Filing at:
<http://www.gvnw.com/USF/KansasUSF.aspx>.
- Quarterly True-ups to report actual revenues earned, including if your company reported estimated revenue or revenues in arrears. Quarterly True-ups are due 45-days after the end of each KUSF quarter.³ Due dates are: July 16, 2018; October 15, 2018; January 15, 2019; and April 15, 2019. Quarterly True-up forms are available at:
<http://www.gvnw.com/USF/KansasUSF.aspx>.

² 06-332 Order.

³ Order Setting the Kansas Universal Service Fund Assessment Rate for Year Fourteen and Canceling January 20, 2010 Technical Hearing, Docket No. 10-GIMT-188-GIT, Jan. 13, 2010 (10-188 Order), available for viewing at: <http://estar.kcc.ks.gov/estar/ViewFile.aspx/20100114101716.pdf?Id=08b1e7e3-e2c2-4bfb-8fd0-86a341c7acac>.

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A. REPORTING TO KUSF: (cont'd)

7. How do I receive a “Carrier Identification Code”?
- Please contact GVNW to receive your Carrier Identification Code.
8. What is a “data month” and what revenue is reported for a “data month”?
- A data month is the calendar month for which the revenue is reported. The data month is one month in arrears of the calendar month in which the revenue is reported.
 - Providers that use the accrual method of accounting will report the revenue billed or earned in one month to the KUSF by the 15th of the following month. For example, revenue earned and billed to customers in March 2018 is considered “March 2018” data month revenue, reported to GVNW on or before April 16, 2018.
 - Providers using a cash-basis of accounting would report revenue collected in March 2018 for the “March 2018” data month on or before April 16, 2018.
9. When is a Provider’s CRW and payment due to the KUSF?
- CRWs and payments are due the 15th of the month, unless the 15th falls on a holiday or weekend; in which case, the CRW and payment are due the next business day. Companies that report and pay on an annual, semi-annual, or quarterly basis must remit CRWs and payments at the beginning of the applicable period. See Attachment A at: [**Link Attachment A**](#)
10. What revenues should be reported on the CRW?
- All Kansas intrastate retail telecommunications service revenues from wireline, wireless (including paging), and interconnected VoIP services must be reported. (K.S.A. 66-2008). Only wholesale revenues are exempt from the KUSF assessment.
 - A company must report its actual revenues billed to and earned from end-user subscribers and may report uncollectible revenue written off during the reported period. Revenues and uncollectibles reported must be based on and supported by the company’s internal accounting records (e.g. general ledger, billing system, etc.)
 - Do not report calculated revenues reported on lines 4 – 11 of the CRW by dividing the KUSF assessments collected from customers by the KUSF assessment rate to determine Intrastate Retail Revenue reported. If it appears your Company is reporting calculated revenue to the KUSF, Staff and/or GVNW may request additional documentation to support the revenue reported and/or recommend your company be subject to an audit pursuant to K.S.A. 66-2010(b).
11. What should I report in Block C: KUSF Assessments Collected from Customers?
- Pursuant to K.S.A. 66-2008(a), a Provider, “may collect from customers an amount equal to such carrier’s, utility’s or provider’s contribution, but such carrier, provider or utility may collect a lesser amount from its customer.” Report the actual KUSF Assessments the Provider collected from its end-user customers for the data month

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revenue reported. Providers should compare the amount of the assessment collected from customers reported in Block C to the actual assessment owed by the Provider. If the amount collected from customers is greater than the assessment owed, this may indicate that the Provider collected more in KUSF assessments from its customers than the Provider owed, in contradiction to the statute. The Provider should review its internal processes determine if modifications to its billing processes and/or customer refunds are necessary to ensure it is compliance with Kansas' statutes. Additional documentation may be requested.

Assessments billed to customers should be identified through a separate line item charge on end-user bills.⁴

12. Are revenues from Audio Conferencing/Teleconferencing (non-video) services subject to KUSF?
- Yes. All intrastate retail revenues, including those earned from Audio Conferencing/Teleconferencing (non-video) services, are subject to KUSF. A Provider offering services via landline (whether via ownership or resale of another provider's services), needs a Certificate of Convenience to provide intrastate services. If the Provider offers such services via Voice over Internet Protocol, a Certificate is not needed.
13. Are revenues from the Yellow Page advertising portion of the directory listing subject to KUSF?
- No. Yellow Pages advertising revenue is not subject to KUSF. Revenue earned from the White Page portion of Directory Revenue must be reported.
14. Is revenue from IP station equipment rental service or Customer Premises Equipment (phones) at the customer's premise reportable?
- No. Revenue from the rental or sale of equipment is exempt. Revenue received from providing underlying telecommunications and/or VoIP service is reportable.
15. Is revenue from DID virtual numbers, Ethernet bandwidth, Ethernet bandwidth over a private network, a T-1, or third party conference calling vendor reportable?
- Yes, all Kansas intrastate service revenue is reportable to the KUSF, unless the service is offered to another provider on a wholesale basis.
 - Please see the KUSF Instructions and Attachment E for a more complete listing of the revenues at: [**Link to Instructions & Attachment E**](#)

⁴ Order On Billing Standards Requirements; Quality of Service Reports; and Requesting Additional Briefing, Docket No. 13-GIMT-736-GIT, Aug. 20, 2013; and Order on KUSF Audit Report and Recommendations, Docket No. 13-CRCZ-712-KSF, July 3, 2014.

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A. REPORTING TO KUSF: (cont'd)

16. How should the KUSF assessment be applied to ISDN and/or PRI lines?
- An ISDN/PRI arrangement is counted as 5 lines, with the Company reporting each arrangement as 5 lines.⁵ A Company may collect its KUSF assessment through the authorized surcharge also on the basis of each arrangement being counted as 5 lines, consistent with the FCC's determinations.
17. Is revenue generated from schools, governmental agencies, or tax-exempt end-users exempt from the KUSF?
- No. The Kansas Courts have ruled the KUSF is an assessment and not a tax.
 - A Provider may elect to recover its assessment from schools, governmental agencies, and tax-exempt end-users, but is not required to do so.⁶
18. Are revenues received from the FCC, via USAC, for Schools, Libraries and Rural Healthcare support subject to KUSF?
- Yes, revenues received from USAC for Schools, Libraries and Rural Healthcare support for telecom and/or VoIP services are subject to KUSF and should be treated as assessable end-user revenue. Such revenues should be considered intrastate revenue and should only be reported as interstate revenue if over 10% of the traffic on the circuit is interstate.
19. How does a wireless, paging, or VoIP Provider identify Kansas jurisdictional revenue?
- Cellular, Paging and Prepaid Wireless: Identify Kansas revenue based on the subscriber's Primary Place of Usage (PPU).⁷
 - Interconnected VoIP: Identify Kansas revenue based on the customer's registered Primary Place of Service, typically the E911 address.⁸
20. What methods can a cellular, paging, or interconnected VoIP provider use to allocate revenues to the intrastate jurisdiction for KUSF purposes?⁹
- The Commission has adopted the following FCC's methodologies:

⁵ 10-188 Order

⁶ Order No 3: Directing Sprint Spectrum, L.P. to Refund, Docket No. 00-SSLC-629-AUD, May 1, 2002, available for viewing at: <http://estar.kcc.ks.gov/estar/ViewFile.aspx/20020501090426.pdf?Id=ce427c78-44dd-49aa-b6ce-3a049e1f4b22>.

⁷ Order Granting Requests of Joint Petitioners, Docket No. 06-GIMT-943-GIT, Sept. 7, 2006; and Final Order Addressing Staff's Report, Docket No. 11-GIMT-842-KSF, Dec. 22, 2011.

⁸ Implementation Order Adopting Staff Report and Recommendation and Requiring VoIP Providers Operating in Kansas to Report and Remit to the Kansas Universal Service Fund by January 15, 2009, Docket No. 07-GIMT-432-GIT, Sept. 22, 2008, available for viewing at: <http://estar.kcc.ks.gov/estar/portal/kscg/page/docket-docs/PSC/DocketDetails.aspx?DocketId=7b071611-3041-43d7-88a5-fc3c4ed91622>.

⁹ Order Setting the Kansas Universal Service Fund Assessment Rate for Year Sixteen and Cancelling Hearing, Docket No. 12-GIMT-168-GIT, Jan. 24, 2012, available for viewing at: <http://estar.kcc.ks.gov/estar/ViewFile.aspx/12-168%20Order%20Setting%20KUSF%20Assess.%20Rate%20and%20Cancelling%20Hearing.pdf?Id=41527d9a-c43e-4e41-895b-e50dfa46fdc0>.

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- Safe harbor
- Direct Assignment
- Company-specific traffic factor (updated at least annually).

** A Provider electing to use the direct assignment or traffic study methodology, must submit a pleading to the Commission to request approval to use the methodology for KUSF purposes. Identify the methodology, the traffic factor percentages, the applicable period of the factor(s), and provide an affidavit signed by an officer of the company, verifying that the methodology is used for both federal and KUSF purposes.

21. How should I report revenue from bundled services?
- Consistent with K.S.A. 66-2008(a), a Provider may contribute to the KUSF, including for bundled services, using the same contribution methodology as that used for Federal Universal Service Fund purposes. See K.S.A. 66-2008 and FCC Bundled Service Order ([Link to FCC Bundled Service Order](#)).
22. If my company elects to report to the KUSF using a different methodology than that used for Federal USF purposes, can my company recognize discounts when reporting revenue to the KUSF?
- Yes. End-user discounts may be recognized.¹⁰
23. My company offers an assessable service (e.g. voice, calling features, long distance, etc.) for free when a subscriber purchases specified bundled service packages and/or a connection device. Do I need to report any revenue for the assessable service?
- Yes. A Provider must substantiate that the subscriber did not use the assessable service (e.g. traffic or usage study, etc.) in order to report zero revenue.
24. How do I report revenue for Kansas Lifeline subscribers?
- The gross monthly subscriber charge (prior to recognizing or applying any federal or state Lifeline discounts/credits) should be reported as if the subscriber did not qualify for the state and/or federal Lifeline program. State and Federal Lifeline support are treated as revenue received from the Lifeline subscriber. Please see the “Lifeline” section regarding reimbursement from the Kansas Lifeline Service Program. This applies to all carriers that offer Lifeline services to qualifying subscribers, regardless of the technology used to provision the Lifeline service.
 - If the Company provides a separate, additional company-sponsored monthly Lifeline discount, the full monthly service rate should be reported to the KUSF.

¹⁰ K.S.A. 66-2008(a). See also Order Adopting KUSF Assessment Rate for Year Eighteen of KUSF Operations, Docket No. 14-GIMT-105-GIT; Jan. 23, 2014; Order Determining KUSF Contribution Methodology, Oct. 20, 2015; and Order Closing Docket, July 19, 2016.

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A. REPORTING TO KUSF: (cont'd)

Example: A company's plan rate is \$17.02, and it recovers \$9.25 from the Federal USF Lifeline program and \$7.77 from the Kansas Lifeline Service Program (KLSP). The company charges its customer \$0.00 for their service and receives reimbursement from the Lifeline programs. The company must report the \$17.02 monthly service rate revenue as retail revenue, even if it is reimbursed by a Lifeline program(s) (\$9.25 Federal + \$7.77 KLSP). For wireless or VoIP companies applying the Safe Harbor or an approved traffic study percentage, the percentage may be applied to the total customer revenue, as applicable.

25. What access line counts are reported for Lifeline purposes?
- Report the number of qualifying Lifeline subscriber lines in service on the first day of the month for which the data is reported. (10/18/16 Order, Docket No. 16-GIMT-575-GIT).
26. Based on our company's internal procedures, our Company finalizes the revenue earned each month or the uncollectibles written-off until after the due date. As a result, the company reports one month in arrears or reports estimated revenues. Does our company need to report the actual month's revenues and uncollectibles and if so, when?
- Companies that report estimated revenues or report revenues one or more months in arrears must report actual revenues in a Quarterly True-up. Quarterly true-ups are due within 45-days after the end of each KUSF fiscal year quarter.¹¹ (July 16 and October 15, 2018; January 15 and April 15, 2019).
27. Our company has identified an error in data previously reported to the KUSF. What should it do?
- Notify the KUSF Administrator of the error and file revised data and remit any additional payment due to the KUSF.

Late Filing Penalties will not apply if the provider notifies GVNW and Commission Staff that it has identified an error in its KUSF reporting and self-corrects the affected filing(s) and payments. GVNW is required to notify Commission Staff if a provider develops a history of identifying errors.¹²

28. How can I remit the CRWs and payments?
- Via E-Filing at: <http://www.gvnw.com/USF/KansasUSF.aspx>
 - Via e-mail to GVNW at: KUSF@gvnw.com
 - Via fax to: 217-698-2715

Highly
Recommended

¹¹ 10-188 Order.

¹² Order Modifying KUSF Penalties, Sept. 27 2018, Docket No. 18-GIMT-084-GIT (10-084 Penalty Order), available for viewing at: http://estar.kcc.ks.gov/estar/ViewFile.aspx/18-084-GIT_-_Ord_Modifying_KUSF_Fund_Penalties.pdf?Id=b33c2ef7-bdd4-438c-b894-b773e2bf8d68, and Order Granting Petition of Southwestern Bell Telephone Company for Clarification and/or Reconsideration of Order Modifying Kansas Universal Service Fund Penalties (Clarification Order), Oct. 30, 2018, available for viewing at: <http://estar.kcc.ks.gov/estar/ViewFile.aspx/20181030113705.pdf?Id=11037e27-9b5c-4dd5-9c1d-b5e5c851a459>.

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A. REPORTING TO KUSF: (cont'd)



- Via US Postal Service or sent via over-night delivery to GVNW at:
KUSF Administration
GVNW Consulting, Inc.
2930 Montvale Dr., Ste B
Springfield, IL 62704
- Remit electronic Payments to ensure they are **received by CoreFirst Bank & Trust** on or before the due date. Contact us at: 217-862-1550 or kusf@gvnw.com to receive information on electronic payments.
- Paper checks must be payable to “Kansas Universal Service Fund”, “KUSF”, or “KS USF”.
- Checks may be sent via US Postal Mail to:
KUSF
CoreFirst Bank & Trust
PO Box 1512
Topeka, KS 66601-1512
- Checks may be via overnight delivery to:
KUSF
CoreFirst Bank & Trust
3035 South Topeka Blvd.
Lockbox 1512
Topeka, KS 66611-2122
- To allow adequate mailing and/or delivery time to ensure payment is processed on or before the due date, allow 4 days minimum for regular mail, 2 days minimum for overnight delivery. Allow a minimum of 3 days for payments sent via overnight delivery to be posted to the company’s account.

B. ASSESSMENT RATE:

1. What KUSF assessment rate should I use?
 - The March 1, 2019 – February 29, 2020 (Year 23) assessment rate is 6.88%.
2. How often does the KUSF assessment rate change?
 - Annually, at the start of each plan year (March 1). The assessment rate may be changed during the year if a change is authorized by the Commission.
 - The FY 26 docket may be viewed on the KCC’s website at:
(Link [FY 23 Docket Documents 19-GIMT-056-GIT](#))
 - Ensure your company has current contact information on file with the Commission and GVNW. To update your company contact information, please email the KCC at r.moses@kcc.ks.gov or send a letter to:

Kansas Corporation Commission
Ms. Lynn Retz, Secretary to the Commission
1500 SW Arrowhead Drive
Topeka, KS 66604

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C. LIFELINE:

1. Does my Company need to offer and advertise Lifeline?
 - Yes. All Eligible Telecommunications Carriers (ETCs) must offer and advertise Lifeline services.
 - A telecommunications carrier or electing carrier may elect to cease offering lifeline services pursuant to K.S.A. 66-2006(d).

2. Does my Company qualify for Lifeline Reimbursement?
 - All providers designated as ETCs for Kansas Lifeline Service Program (KLSP) purposes qualify for KLSP reimbursement. Effective December 2, 2016, a non-ETC Competitive Local Exchange Carrier is no longer required to participate in the KLSP and, a CLEC not currently receiving KLSP must be designated as an ETC in order to provide KLSP reimbursement. (See 10/18/16 Order, Docket No. 16-GIMT-575-GIT).

3. How does my company seek reimbursement?
 - Report the number of qualifying KLSP lines in service as of the first day of each month on Line 18 of the Carrier Remittance Worksheet.

D. PENALTIES: - NEW¹³

1. Why was my company assessed a penalty when its CRW and payment were mailed on or prior to the due date?
 - Mail date does not constitute “receipt”. Remit CRWs and payments early enough to ensure **receipt by the Administrator (for CRWs) and the bank (for payments)** on or before the due date.

2. My company incurred a Late Payment Penalty and/or a Late Filing Penalty. How were these penalties determined?
 - Late Payment penalties are 1% of the assessment due, per month (12% cumulative).¹⁴ **Late Filing Penalties are 1% of the assessment due (12% cumulative) or \$100, whichever is greater.**

The Late Filing Penalty replaces the Late CRW penalty, effective November 1, 2018.

Delinquent Balance Penalty:¹⁵ A 1% per month (12% APR) Delinquent Balance penalty is assessed on all unpaid balances, including unpaid penalties.

¹³ 18-084 Modification Order and Clarification Order.

¹⁴ Order Authorizing KUSF Administrator to Assess Late Payment Fee, Docket No. 94-GIMT-478-GIT, Feb. 18, 1997.

¹⁵ 10-188 Order.

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D. PENALTIES: - NEW (cont'd)

KUSF Penalties effective November 1, 2018:

| Applied To: | Due Date | Penalty |
|--|--|---|
| Late Payment Penalty (LPP) | | |
| Original CRWs | 15 th of the month ⁴ following the Reporting Period | 1% per month (12% APR cumulative) of the Assessment Due |
| Filings with Additional Assessments Due: | | |
| Revised CRWs | 30 days after written notice from the KUSF Administrator that a revision is needed | 1% per month (12% APR cumulative) of the Assessment Due |
| Quarterly True-ups | 45 days after end of Reporting Period | |
| Annual True-ups | 45 days after end of Reporting Period | |
| Late Filing Penalty (LFP) | | |
| Original CRWs | 15 th of the month ¹⁶ following the Reporting Period | 1% per month (12% APR cumulative) of the Assessment Due, or \$100, whichever is greater |
| Attachment B | April 15 th | \$100.00 per month Exception for wireless and VoIP providers that are not generating intrastate retail revenue. |
| Filings with Additional Assessments Due: | | |
| Revised CRWs | 30 days after written notice from the KUSF Administrator that a revision is needed | 1% per month (12% APR cumulative) of the Assessment Due or \$100, whichever is greater. Exception for any revision that does not result in additional monies owed to the KUSF or that results in a credit due to the provider. |
| Quarterly True-ups | 45 days after end of Reporting Period | |
| Annual True-ups | 45 days after end of Reporting Period | |
| Delinquent Balance Penalty (DBP) | | |
| Entire outstanding balance, including outstanding KUSF assessment principle and previously assessed penalties. | Last day of the month | 1% per month (12% APR cumulative) of the Assessment Due |

3. What should I do if I believe my company was incorrectly assessed a penalty?
- Contact GVNW via e-mail with the following information to allow us to review your account and verify that the penalty was in accordance with KCC orders:
 - Company name
 - Company Identification Code (begins with “KS00”, followed by 4 numbers).
 - Amount of Penalty
 - Date of Penalty
 - Reason why company believes the penalty is incorrect and documentation to support company’s position.

¹⁶ If the 15th of the month falls on a weekend or holiday, filings and payments are due the next business day.

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D. PENALTIES: - NEW: (cont'd)

- Name and contact information where GVNW can send written correspondence or call the company regarding its review of the company's account.
4. How can my company seek a waiver of a penalty?

NOTE: GVNW and KCC Staff are not authorized to waive any properly assessed penalty.

- Ask GVNW to review your account (see #2) and confirm the penalty was applied appropriately.
- If GVNW verifies the penalty was appropriate, your company may file a pleading with the Commission asking for the penalty to be waived. The request should identify: the Company Name, time period for which the penalty applied, the specific penalty(ies) for which the waiver is sought (Late Payment, Late CRW; Delinquent Balance), and the reason the Company believes the penalty should be waived. The Company may wish to view prior pleadings. Prior dockets in which the Commission has addressed requests to waive penalties include, but are not limited to, the following:
 - [Docket No. 17-TMCZ-1062-KSF](#) and;
 - [Docket No. 07-SLFT-771-KSF](#).
- Any pleading should comply with Kansas Administrative Regulations, including:
 - K.A.R. 82-1-219 regarding the general rules relating to pleadings and other papers, and
 - K.A.R. 82-1-228(d) regarding the requirement for a corporation to enter an appearance in a docket, with the appearance entered by its attorney admitted to practice in the state of Kansas or that is associated with a local counsel that resides in the state of Kansas.