

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT UT-090440

PLEASE NOTE: You must complete and sign this document, and send it to the Commission within 15 days after you receive the penalty assessment. Use additional paper if needed.

I have read and understand RCW 9A.72.020 (printed below), which states that making false statements under oath is a class B felony. I am over the age of 18, am competent to testify to the matters set forth below and I have personal knowledge of those matters. I hereby make, under oath, the following statements.

1. **Payment of penalty.** I admit that the violation occurred and enclose \$2,700 in payment of the penalty.
2. **Request for a hearing.** I believe that the alleged violation did not occur, based on the following information, and request a hearing for a decision by an administrative law judge:
3. **Application for mitigation.** I admit the violation, but I believe that the penalty should be reduced for the reason(s) set out below.

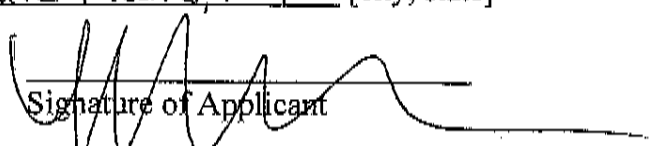
See Attached

- a) I ask for a hearing for a decision by an administrative law judge
OR b) I waive a hearing and ask for an administrative decision on the information I present here

I declare under penalty of perjury under the laws of the State of Washington that the foregoing, including information I have presented on any attachments, is true and correct.

Dated: May 12, 2009 [month/day/year], at White Plains, NY [city, state]

Cordia Communications Corp.
Name of Respondent (company) – please print


Signature of Applicant

RCW 9A.72.020:

“Perjury in the first degree. (1) A person is guilty of perjury in the first degree if in any official proceeding he makes a materially false statement which he knows to be false under an oath required or authorized by law. (2) Knowledge of the materiality of the statement is not an element of this crime, and the actor’s mistaken belief that his statement was not material is not a defense to a prosecution under this section. (3) Perjury in the first degree is a class B felony.”

**Cordia Corporation**

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**APPLICATION FOR MITIGATION ON BEHALF OF
CORDIA COMMUNICATIONS CORP.
PENALTY ASSESSMENT UT-090440**

Cordia Communications Corp. ("CCC") admits the violation but is seeking a reduction of the penalty assessment based on the following mitigating factors.

1. CCC has taken steps to ensure that all complaints will be responded to in a timely fashion. All complaints are passed to the company via email at pse@cordiaocorp.com. Complaints sent to this address go to (1) Anna Fernandes, Executive Escalations Analyst and primary contact for resolution of the complaints; and Maria Abbagnaro, General Counsel and (2) into the company's Operational Support System ("OSS") where it is sorted by complaint due date.
 - a. Previously CCC's OSS system was not able to sort incoming complaints by due date; rather it sorted by receipt date with most recently received at the top of the received complaint list. This resulted in manually going through each complaint which left room for error with regard to missing deadlines. CCC believes that this new automated sort feature will ensure that all complaints are responded to in a timely fashion.
2. CCC has reorganized the department responsible for responding to complaints. Mr. Keith Applewhite, who is referenced on numerous occasions in the preliminary investigation report has been terminated. Mr. Applewhite's attitude was in no way sanctioned by CCC and frankly the undersigned is personally embarrassed by his behavior toward and interaction with the staff of the Washington Utilities and Transportation Commission ("UTC"). Mr. Applewhite unfortunately was a very poor reflection of CCC and the undersigned, and was terminated in late February. He has been replaced by Anna Fernandes, who is now primarily responsible for interacting with the UTC.
 - a. Ms. Fernandes is aware of the response deadlines for each type of complaint and in the event that a deadline may not be met for reasons beyond CCC's control she will communicate this to the UTC and request permission for a delayed response; complaints and deadlines will not be ignored and she will maintain communications with the UTC.
 - b. Ms. Fernandes has already proven herself responsible and responsive as evidenced by the UTC's own report; however, in the event that the UTC has an issue with responsiveness I request that the UTC contact the undersigned so that this issue may be addressed immediately by me without utilizing the UTC's resources to launch an investigation.

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3. CCC deeply regrets any inconvenience or hardship caused to the residents of the State of Washington and to the Washington UTC by its failure to respond to the six (6) complaints cited in the penalty assessment letter. Based on the foregoing efforts, CCC's position is that this will not be an issue in the future and commits to use its best efforts to comply with the UTC's guidelines.
4. CCC respectfully requests a reduction in the penalty amount and proposes a penalty assessment of \$500. This reduction is requested in light of the remedial measures the Company has taken with respect to reorganizational staffing and automating the sort feature of its OSS so that complaints are presented in the order which they are due so as to ensure prompt response as well as CCC's position that two (2) violations were recorded in error.
 - a. CCC believes that two (2) of the violations recorded were in error and that the total number of violations recorded should be twenty-five (25).
 - i. UTC Complaint 104799, William Chambless, WAC 480-120-166(6); CCC's position is that this complaint was not service affecting and therefore the proper response due date should have been five (5) days not two (2). The response was timely under the five (5) day due date.
5. CCC has reviewed its disconnection and suspension procedures and it conforms with the time periods specified in WAC 480-120-172(7)(a)(i). The suspension notice for the complaint in question was generated in September 2008. Since that time and prior to receipt of the UTC's preliminary report CCC's disconnection procedures were reviewed and updated accordingly to ensure compliance with the notice requirements. CCC believes the incident cited in the report was an isolated incident and CCC's disconnection/suspension notices comply with the Washington Administrative Code.
6. CCC commits to work with the UTC going forward to promptly resolve and address all issues. Further, if any additional information is needed in this matter please contact the undersigned.

Respectfully Submitted,

Maria A. Abbagnaro
General Counsel