



STATE OF WASHINGTON  
**UTILITIES AND TRANSPORTATION COMMISSION**  
1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250  
(360) 664-1160 • [www.utc.wa.gov](http://www.utc.wa.gov)

June 30, 2014

Steven V. King, Executive Director and Secretary  
Utilities and Transportation Commission  
1300 S. Evergreen Park Dr. SW  
P.O. Box 47250  
Olympia, WA 98504-7250

RE: *Washington Utilities and Transportation Commission v. Telenational Communications, Inc.*

Commission Staff's Response to Application for Mitigation of Penalties UT-140921

Dear Mr. King:

On June 2, 2014, the Utilities and Transportation Commission issued a \$1,000 Penalty Assessment in Docket UT-140921 against Telenational Communications, Inc. for 10 violations of Washington Administrative Code (WAC) 480-120-382, which requires telecommunications companies to furnish annual reports to the commission no later than May 1 each year.<sup>1</sup>

On June 16, 2014, Telenational Communications, Inc. wrote the commission requesting mitigation of penalties (Mitigation Request).<sup>2</sup> In its Mitigation Request Telenational Communications, Inc. does not dispute that the violation occurred. The company states, "This is the first time I've filed our annual report and didn't realize the org. filing was incomplete until I rec'd this letter. I'm including the confirmation from the filing on 5/2/14."

It is the company's responsibility to ensure that the regulatory fee is paid and the annual report is filed by the May 1 deadline. On February 28, 2014, Annual Report packets were mailed to all regulated telecommunication companies. The instructions for annual report completion page of the annual report informed the regulated company that it must complete the annual report form, pay the regulatory fees, and return the materials by May 1, 2014, to avoid enforcement action.

On May 5, 2014, Telenational Communications, Inc. was contacted by commission staff via email notifying the company of the incomplete status of the report.<sup>3</sup> The email communication

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<sup>1</sup>See attachment A for a copy of the penalty assessment sent on June 2, 2014

<sup>2</sup>See attachment B for a copy of Telenational Communications' Mitigation Request received on June 16, 2014

<sup>3</sup>See attachment C for a copy of the email communication sent by staff on May 5, 2014

<sup>4</sup>See attachment D for a copy of Telenational Communciations' Annual Report cover page received on May 2, 2014

was sent to the address provided by the company on the cover page of its 2013 Telecommunications Annual Report.<sup>4</sup> The email contained specific technical assistance as to the data required to consider the report complete. Telenational Communications, Inc. did not respond to the email request.

On June 12, 2014, Telenational Communications, Inc. filed its complete annual report with no regulatory fees due. The company has been active since November 8, 1995. The company was previously delinquent in filing the 2009 and 2011 reports. Staff does not support the company's request for mitigation due to recent prior violations of WAC 480-120-382 and lack of response to the incomplete report notification.

If you have any questions regarding this recommendation, please contact Amy Andrews, Regulatory Analyst, at (360) 664-1157, or [aandrews@utc.wa.gov](mailto:aandrews@utc.wa.gov).

Sincerely,

Sondra Walsh, Director  
Administrative Services

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<sup>1</sup>See attachment A for a copy of the penalty assessment sent on June 2, 2014

<sup>2</sup>See attachment B for a copy of Telenational Communications' Mitigation Request received on June 16, 2014

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<sup>4</sup>See attachment D for a copy of Telenational Communications' Annual Report cover page received on May 2, 2014

## ATTACHMENT A

### WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

#### NOTICE OF PENALTIES INCURRED AND DUE FOR VIOLATIONS OF LAWS AND RULES

PENALTY ASSESSMENT: UT-140921  
PENALTY AMOUNT: \$1,000

Telenational Communications, Inc.  
2030 Powers Ferry Rd. SE, Suite 200  
Atlanta, GA 30339

According to Washington Utilities and Transportation Commission (Commission) records, you have violated Washington Administrative Code (WAC) 480-120-382, which requires telecommunications companies to file their annual reports and pay regulatory fees each year by May 1. You did not file an annual report or pay regulatory fees by May 1, 2014.

Revised Code of Washington (RCW) 80.04.080 authorizes the Commission to assess penalties of \$100 for violations of Commission rules. Each violation is a separate and distinct offense and, in the case of a continuing violation, every day's continuance is a separate and distinct violation. The Commission interprets noncompliance with WAC 480-120-382 beyond May 1 as a continuing violation, and assesses penalties of \$100 for each day a company fails to file its report or pay its regulatory fees after that date.

As a result, the Commission has assessed penalties against you in the amount of \$1,000 on the following basis:

On February 28, 2014, the Commission mailed the 2013 annual report forms and the 2014 regulatory fee packets to all telecommunications companies registered in Washington. The instructions page for the annual report form instructed these companies to file annual reports and pay regulatory fees by May 1, 2014. The instructions page also stated that failure to file the annual report by May 1 would result in penalties. The deadline for requesting an extension to file your annual report was April 17. You did not request an extension.

As of May 15, 2014, Telenational Communications, Inc. has not filed its complete 2013 annual report. May 15 is 10 business days from May 1, resulting in a total penalty of \$1,000.

Your penalty is due and payable now. If you believe the violation did not occur, you may request a hearing to contest the penalty assessment. The Commission will grant that request only if material issues of law or fact require consideration of evidence and resolution in a hearing. A request for a hearing must include a written statement of the reasons supporting that request.

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Failure to provide such a statement will result in denial of the request. If there is a reason for the violation that you think should excuse or reduce the penalty, you may ask for mitigation (reduction) of this penalty through evidence presented at a hearing or in writing. A request for mitigation must include a written statement of the reasons supporting that request. Failure to provide such a statement will result in denial of the request. See RCW80.04.405.

If you properly present your request for a hearing and the Commission grants that request, the Commission will review the evidence supporting your dispute of the violation or application for mitigation in a Brief Adjudicative Proceeding, before an administrative law judge. The administrative law judge will consider the evidence and will notify you of his or her decision.

**You must act within 15 days after receiving this notice** to do one of the following:

- Pay the amount due.
- Request a hearing to contest the occurrence of the violations.
- Request mitigation to contest the amount of the penalty.

Please indicate your selection on the enclosed form and send it to the Washington Utilities and Transportation Commission, Post Office Box 47250, Olympia, Washington 98504-7250, **within FIFTEEN (15) days** after you receive this notice.

**If you do not act within 15 days**, the Commission may refer this matter to the Office of the Attorney General for collection, which may file suit in state court to collect the penalty. The Commission may also initiate proceedings under WAC 480-121-060 to revoke your authority to provide telecommunications services in Washington.

DATED at Olympia, Washington, and effective June 2, 2014.

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GREGORY J. KOPTA  
Administrative Law Judge

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WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT UT-140921

**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 violations occurred. I have:

Enclosed \$ \_\_\_\_\_ in payment of the penalty

Submitted my payment of \$ \_\_\_\_\_ online at [www.utc.wa.gov](http://www.utc.wa.gov). My confirmation number is \_\_\_\_\_.

2. **Request for a hearing.** I believe that one or more of the alleged violations did not occur, for the reasons I describe below, and I request a hearing based on those reasons for a decision by an administrative law judge:

3. **Application for mitigation.** I admit the violations, but I believe that the penalty should be reduced for the reasons set out below:

a) I ask for a hearing to present evidence on the information I provide above to an administrative law judge for a decision

OR  b) I ask for a Commission decision based solely on the information I provide above.

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: \_\_\_\_\_ [month/day/year], at \_\_\_\_\_ [city, state]

\_\_\_\_\_  
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.”

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ATTACHMENT B

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT UT-140921

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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 violations occurred. I have:

[ ] Enclosed \$ \_\_\_\_\_ in payment of the penalty

[ ] Submitted my payment of \$ \_\_\_\_\_ online at www.utc.wa.gov. My confirmation number is \_\_\_\_\_.

[ ] 2. Request for a hearing. I believe that one or more of the alleged violations did not occur, for the reasons I describe below, and I request a hearing based on those reasons for a decision by an administrative law judge:

[X] 3. Application for mitigation. I admit the violations, but I believe that the penalty should be reduced for the reasons set out below:

This is the first time I've filed our Annual UTC Report + didn't realize the org. filing was incomplete until I rec'd

[ ] a) I ask for a hearing to present evidence on the information I provide above to an administrative law judge for a decision

OR [X] b) I ask for a Commission decision based solely on the information I provide above.

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: June 12, 2014 [month/day/year], at Omaha, NE [city, state]

Telenational Communications, Inc. 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."

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2014 JUN 16 AM 9:45  
UTILITY AND TRANSPORTATION COMMISSION  
RECEIVED  
I'm including the confirmation from the filing on 5/12/14.

## ATTACHMENT C

### Andrews, Amy (UTC)

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**From:** Andrews, Amy (UTC)  
**Sent:** Monday, May 05, 2014 11:08 AM  
**To:** regulatory@telenational.net  
**Cc:** Andrews, Amy (UTC)  
**Subject:** Incomplete Annual Report Notification for Telenational Communications

Dear Regulated Company,

On February 28, 2014 the Utilities and Transportation Commission (commission) mailed you an Annual Report. The report and fees are due by May 1, 2014.

A review of your annual report submitted May 2, 2014 indicates it is incomplete.

- **Schedule 1 – Part D not complete (Please provided revenue confirmation for Total Company and Total WA)**

Commission staff may recommend enforcement action, which includes penalties of up to \$100 per day, against any company that does not file a completed annual report. In order to avoid enforcement action, the commission must receive your completed report no later than May 1, 2014.

If you have any questions about your annual report please call me at (360) 664-1157 or e-mail at [aandrews@utc.wa.gov](mailto:aandrews@utc.wa.gov).

*Amy Andrews*

**Fiscal Analyst**

Utilities & Transportation Commission

PO Box 47250

Olympia, WA 98504-7250

☎ 360.664.1157

☎ 360.664.1289

🌐 [www.utc.wa.gov](http://www.utc.wa.gov)

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ATTACHMENT D

**TELECOMMUNICATIONS COMPANIES  
2013  
ANNUAL REPORT**

FOR

TELENATIONAL COMMUNICATIONS

(NAME UNDER WHICH CORPORATION, PARTNERSHIP, OR INDIVIDUAL IS DOING BUSINESS)

2030 POWERS FERRY ROAD SE, SUITE 200

(OFFICIAL MAILING ADDRESS)

ATLANTA

(CITY)

GA

(STATE)

30339

(ZIP)

Please check if address listed above is an updated address

**Report Year Ended: December 31, 2013**

Inquiries concerning this Annual Report should be addressed to:

Name/Title: RHEA TOPOLSKI/MANAGER  
Address: 2030 POWERS FERRY RD SE, SUITE 200  
City: ATLANTA  
State/Zip: GA 30339  
Telephone: 4028821110  
Email: REGULATORY@TELENATIONAL.NET

SUBMIT TO:

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION  
PO Box 47250  
Olympia, WA 98504-7250

File online: [www.utc.wa.gov](http://www.utc.wa.gov)

WASHINGTON



UTILITIES AND TRANSPORTATION  
COMMISSION



\*\*\*Please refer to the Instructions for Completing the Annual Report on Page 2\*\*\*

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