June 17, 2015

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. CATTCOMM LLC*

 Commission Staff’s Response to Application for Mitigation of Penalties UT-150802

Dear Mr. King:

On June 2, 2015, the Utilities and Transportation Commission issued a $1,000 Penalty Assessment in Docket UT-150802 against CATTCOMM LLC 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.

On June 8, 2015, CATTCOMM LLC wrote the commission requesting mitigation of penalties. In its mitigation request, CATTCOMM LLC does not dispute the violation occurred. The company states, “CATTCOMM LLC is a newly established CLEC achieving CLEC status mid year 2014. When the company received the 2014 annual report forms we contacted the WUTC directly. We spoke with Ms. Susie Paul and explained that we did not have operations as a CLEC in 2014. Ms. Paul informed us that it would not be necessary to complete the annual report form and that an email explaining our 2014 status should be emailed to her and that her reply would be confirmation of the waiver”. The company provided a copy of the email communication and request a waiver of the penalty.

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 27, 2015, Annual Report packets were mailed to all regulated telecommunications 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, 2015, to avoid enforcement action.

1Data Request Letter mailed by the commission March 23, 2015 from Steven V. King

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As of June 16, 2015, CATTCOMM LLC has not filed its 2014 annual report or paid any regulatory fees owed. The company has been active since September 29, 2014. The communications between Susie Paul, Compliance Investigator and CATTCOMM LLC were

related to a data request letter mailed March 23, 2015 to all regulated telecommunications companies signed by Steven V. King, Executive Director and Secretary1. The email communication provides no reference to a waiver for filing the annual report. While staff does not support waiving the penalty, staff supports the company’s request for mitigation as this is the company’s first delinquent filing. Staff recommends a reduced penalty of $25 per day resulting in a total penalty assessment of $250 subject to a completed 2014 annual report being submitted and any regulatory fees owed being paid.

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

Sincerely,

Sondra Walsh, Director

Administrative Services

ATTACHMENT A

