



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 • TTY (360) 586-8203

June 22, 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. Encartele, Inc.*

Commission Staff's Response to Application for Mitigation of Penalties UT-150813

Dear Mr. King:

On June 3, 2015, the Utilities and Transportation Commission issued a \$1,000 Penalty Assessment in Docket UT-150813 against Encartele, 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.

On June 9, 2015, Encartele, Inc. wrote the commission requesting mitigation of penalties. In its mitigation request, Encartele, Inc. does not dispute the violation occurred. The company states, "Due to an incorrect P.O. Box number in the mailing address on file by your office they did not receive notification of the 2014 Annual Report filing. The Company has engaged Compliance Solutions, Inc. to make sure future filings are not missed. We respectfully request that you eliminate 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.

On June 9, 2015, Encartele, Inc. filed its 2014 annual report with no regulatory fees owed. The company has been active since 2014. The annual report form was mailed to the address noted on the filed 2014 annual report document, which is the same as the penalty assessment and all other formal commission communications. The mailing of the annual report form is a courtesy and the

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company bears the ultimate responsibility to obtain and timely file the report and pay any regulated fees owed by May 1 each year. Staff does not support to company's request to waive the penalty. However, staff supports the company's request for mitigation as this is the company's first delinquent filing. Staff recommends a reduced penalty assessment of \$25 per day for a total penalty assessment of \$250.

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