



STATE OF WASHINGTON

UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250

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August 2, 2017

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. Silv Communications Inc.*

Commission Staff's Response to Application for Mitigation of Penalties UT-170483

Dear Mr. King:

On June 28, 2017, the Utilities and Transportation Commission issued a \$1,000 Penalty Assessment in Docket UT-170483 against Silv Communication Inc. for 10 violations of Washington Administrative Code (WAC 480-120-382), which requires competitively classified telecommunication companies to furnish annual reports and the regulatory fee to the commission no later than May 1 each year.

On July 11, 2017, Silv Communication Inc. wrote the commission requesting mitigation of penalties. In its mitigation request, Silv Communication Inc. does not dispute the violation occurred. The company states, "... we have no record of any contact as listed coming from you – May 1 from the Commission. Recently found out by Commission Staff Mr. Bennett that yahoo doesn't currently deliver emails from the State of WA. We have created as of 7/6/2017 a non yahoo email account so that we can receive emails from WA UTC and have sent an email to records@utc.wa.gov requesting to update our records with our new email address."

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, 2017, Annual Report packets were sent to all regulated competitively classified telecommunication companies. The instructions page informs the regulated company that it must complete the annual report form and pay the regulatory fees, and return the materials by May 1, 2017, to avoid enforcement action.

The company filed an incomplete annual report on April 26, 2017. On May 1, Commission Staff sent an email to the company at their registered yahoo email address advising the Company that their annual report was incomplete. The complete annual report was filed on July 7, 2017 and the regulatory fee was paid on April 27.

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Commission staff recently learned that a certain email company does not deliver emails from the State of Washington. As a result of this, Silv Communication Inc. did not receive the notification from Commission Staff advising them that the company's annual report was incomplete and Silv Communication Inc. did not have an opportunity to timely correct and submit a complete annual report. If Silv Communication Inc. had filed the report within two business days of the Commission email, the Commission would have recognized that the company attempted to file the annual report on time and would have initially assessed a mitigated penalty of \$200. Under these circumstances, it is Staff's recommendation that the penalty be mitigated to \$200.

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

Sincerely,

/s/ Sean Bennett

Sean Bennett, Regulatory Analyst
Administrative Services