

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment	)	DOCKET UT-120966
Against	)	
	)	ORDER 01
COSPEED, LLC,	)	
	)	ORDER RESCINDING PENALTY
in the amount of \$2,100.00.	)	
.....	)	

**MEMORANDUM**

1 **Penalty.** On July 30, 2012, the Washington Utilities and Transportation Commission (Commission) assessed a penalty of \$2,100 against CoSpeed, LLC (CoSpeed), for violations of Washington Administrative Code (WAC) 480-120-382. This rule requires competitively classified telecommunications companies to file annual reports with the Commission by May 1 each year. CoSpeed failed to file an annual report.

2 **Commission Staff Support for Waiver.** Commission Staff filed a letter concerning this penalty assessment on September 28, 2012. According to Staff:

On May 22, 2012, CoSpeed called the commission, requesting the \$2,100 penalty assessment be waived because the company is no longer operating in Washington state. Commission staff informed CoSpeed it would remove the penalty if the company did, indeed, cease operations during the reporting year in question, but failed to cancel its registration.

Staff states that it confirmed via the Washington Secretary of State web site that CoSpeed became inactive on October 6, 2011. Staff states further that its practice in this scenario is to not enforce the annual report and regulatory fee requirements even though the Commission has the authority to do so.

3 **Commission Determination.** It is unclear from the record why a penalty was assessed against CoSpeed in the first place considering the facts stated in Staff's Response.<sup>1</sup> The Commission will take Staff's Response as a formal request for

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<sup>1</sup> We note in this regard that it is not possible to reconcile Staff's statement that the company requested waiver of "the \$2,100 penalty assessment" on May 22, 2012, with the fact that the penalty was not assessed until July 30, 2012.

rescission of the penalty previously assessed. The Commission determines that it should rescind the penalty assessed against CoSpeed.

**ORDER**

THE COMMISSION ORDERS THAT:

- 4 (1) The penalty of \$2,100 assessed against CoSpeed, LLC, is rescinded.
- 5 (2) The Commission delegates to its Secretary authority to enter this Order on behalf of the Commissioners under WAC 480-07-904(1)(h).

DATED at Olympia, Washington, and effective November 2, 2012.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER  
Executive Director and Secretary

**NOTICE TO PARTIES:** This is an order delegated to the Executive Secretary for decision. Under WAC 480-07-904(3), you may seek Commission review of this decision. In addition to serving you a copy of the decision, the Commission will post on its Internet Web site for at least 14 days a listing of all matters delegated to the Executive Secretary for decision under WAC 480-07-904(1). You must file a request for Commission review of this order no later than fourteen (14) days after the date the decision is posted on the Commission's Web site. The Commission will schedule your request for review for consideration at a regularly scheduled open meeting. The Commission will notify you of the time and place of the open meeting at which the Commission will review the order.

The Commission will grant a late-filed request for review only on a showing of good cause, including a satisfactory explanation of why the person did not timely file the request. A form for late-filed requests is available on the Commission's Web site.