



STATE OF WASHINGTON
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

December 6, 2012

David W. Danner, Executive Director and Secretary
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Dr. SW
P. O. Box 47250
Olympia, Washington 98504-7250

RE: *Washington Utilities and Transportation Commission v. Norlight, Inc.*
Commission Staff's Response to Application for Mitigation of Penalties
Docket UT-120992

Dear Mr. Danner:

On July 31, 2012, the Washington Utilities and Transportation Commission issued a \$2,100 Penalty Assessment in Docket UT-120992 against Norlight, Inc., (Norlight) for 21 violations of Washington Administrative Code (WAC) 480-120-382, which requires competitively classified telecommunications companies to furnish annual reports to the commission no later than May 1 each year.

On August 10, 2012¹, Norlight wrote the commission requesting mitigation of penalties (Mitigation Request). In its Mitigation Request, Norlight disputes the violations occurred. The company states, "The WUTC e-file confirmation is dated 5/4/2012. The Notice of Enforcement Action notified us of the mitigated penalty to \$25 per day. This results in a \$75 penalty due to the WUTC. I have attached the supporting documents for your records." In a letter attached with its mitigation request, the company states, "We believe that a \$75 penalty is due to the WUTC for 2011 annual report that was filed electronically on May 4, 2012. I have attached the check # 509034 for payment of fee along with WUTC e-file submission confirmation dated 5/4/2012, the Notice of Enforcement Action date 5/14/2012, and the 5/21/12 and 5/31/12 correspondence with Matthews Perkinson. Please note that his 5/31/12 [sic] is referring to the 5/21/2012 voicemail that he left me in response to my 5/21/2012 email.

¹ See attachment A for a copy of Norlight, Inc.'s Mitigation Request.



On August 10, 2012, compliance staff received an email from Financial Services staff saying, "I missed this annual report. I thought it was the same Norlight Telecommunications, but it was actually Norlight Inc. She paid the \$75 penalty today she should have accrued. I apologize. I missed it."

Staff determined the completed annual report was, in fact, filed on May 4, 2012, which is three business days past the deadline of May 1, 2012. The penalty should have been mitigated from \$100 per day to \$25 per day, for a total of \$75. Therefore, a penalty of \$2,100 should not have been issued.

Based on the above mentioned information, staff recommends waiving any and all remaining penalties related to Norlight's 2011 annual report.

If you have questions regarding this recommendation, please contact Mathew Perkinson, Compliance Investigator, at (360) 664-1105, or at mperkinson@utc.wa.gov.

Sincerely,

A handwritten signature in cursive script that reads "Sharon Wallace".

Sharon Wallace, Assistant Director
Consumer Protection and Communications

Attachment A

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
PENALTY ASSESSMENT UT-120992

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 \$2,100 in payment of the penalty

Submitted my payment of \$2,100 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, based on the following information, and request a hearing, which is a process that allows an affected person to present argument to an administrative law judge for 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 reason(s) set out below.

The WUTC e-file confirmation is dated 5/4/2012. The Notice of Enforcement Action notified us of the mitigated penalty to \$25 per day. This results in a \$75 penalty due to the WUTC. I have attached the supporting documents for your records.

a) I ask for a hearing for a decision by an administrative law judge based on the information presented above.

OR b) I waive a hearing and ask for an administrative decision on the information I present directly 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: 8/7/2012 {month/day/year}, at Little Rock, Arkansas {city, state}

Norlight, Inc.
Name of Respondent (company) - please print

Sandra Blude
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."

2012 AUG 10 PM 1:54
RECEIVED
PENALTY MANAGEMENT

Windstream Communications, Inc.
State & Federal Regulatory Compliance
4001 Rodney Parham Road
Little Rock, AR 72212
501-748-7000

RECEIVED
REGULATORY MANAGEMENT
2012 AUG -9 AM 10:30
STATE OF ARKANSAS
UTILITY REGULATION
COMMISSION



August 8, 2012

Washington Utilities and Transportation Commission
1300 South Evergreen Park Drive, S.W.
Olympia, Washington 98504-7250

Re: Norlight, Inc. T-5135 Penalty Assessment UT-120992

We believe that a \$75 penalty is due to the WUTC for 2011 annual report that was filed electronically on May 4, 2012.

I have attached the check # 509034 for payment of fee along with WUTC e-file submission confirmation dated 5/4/2012, the Notice of Enforcement Action dated 5/14/2012, and the 5/21/12 and 5/31/12 correspondence with Matthews Perkinson. Please note that his 5/31/12 is referring to the 5/21/12 voicemail that he left me in response to my 5/21/12 email.

Should you have any questions, please feel free to contact me at (501) 748-6728 or via email at sandra.blade@windstream.com.

Sincerely,

A handwritten signature in cursive script that reads "Sandra".

Sandra Blade
Senior Financial Analyst

RECEIVED
REGULATORY MANAGEMENT
2012 AUG 10 PM 1:53
STATE OF ARKANSAS
UTILITY REGULATION
COMMISSION

Blade, Sandra

From: Blade, Sandra
Sent: Monday, May 21, 2012 1:34 PM
To: 'mperkinson@utc.wa.gov'
Subject: FW: WUTC e-file submission received, confirmation ID 6708

Importance: High

Matt,

I received a notice today that was dated 5/14/2012 stating that you did not receive our annual report for Norlight, Inc.

See confirmation ID 6708 below.

If you still cannot locate it, I can send you a copy by email or fax. Please advise.

Sandra Blade, Senior Analyst
Regulatory & Government Affairs: Regulatory Reporting Department
4001 Rodney Parham Road, Mailstop 1170-B1F2-1216C, Little Rock, Arkansas 72212

O: 501-748-6728 | F: 501-748-6583

-----Original Message-----

From: InterNotes1 (mailto:InterNotes1/WUTC@wutc.wa.gov)
Sent: Friday, May 04, 2012 3:14 PM
To: Blade, Sandra
Subject: WUTC e-file submission received, confirmation ID 6708

Your e-file submission has been received by the Washington Utilities and Transportation Commission. Please save this e-mail, and use the confirmation ID when contacting the Commission.

We would appreciate your feedback on the electronic submission process.
Please go to <https://fortress.wa.gov/wutc/home/rcwp.nsf/fmEfileSurvey> to fill out a survey.

Please do not reply to this message. This is an automated message, and the originating account cannot receive e-mails.

E-file submission details:
E-file ID: 6708
Docket No.: This filing is not associated with an existing docket
Company: Norlight, Inc. T5135
Filing description: 2011 Telecom Annual Report NOR

Documents filed:

Filename: Wash Telecom Annual Report Form 2011 NOR.doc

Blade, Sandra

From: Perkinson, Mathew (UTC) <Mperkins@utc.wa.gov>
Sent: Thursday, May 31, 2012 2:12 PM
To: Blade, Sandra
Subject: RE: WUTC e-file submission received, confirmation ID 6708

Sandra, as we already discussed on May 21, 2012, there will be a penalty. You will receive the penalty in the mail and you may choose how to proceed at that point.

Mathew Perkinson
Compliance Investigator
Consumer Protection and Communications
Washington Utilities and Transportation Commission
Phone: (360) 664-1105; Fax: (360) 664-4291



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May 14, 2012

NOTICE OF ENFORCMENT ACTION

Attention:

Your 2011 annual report to the Utilities and Transportation Commission (commission) was due on May 1, as required by law. Financial penalties of \$100 per day began accruing on May 2. As of the date of this letter, you have accrued a penalty of \$800. That penalty will increase by \$100 per day for each subsequent day you fail to comply.

This letter tells you what you can do to mitigate your penalty.

If the commission receives your report postmarked no later than May 25, commission staff will mitigate your penalty to \$25 per day. Additional penalties of \$25 per day will be added for each year you have filed late in the past five years, up to a maximum of \$100 per day.

Annual report forms are available on the commission's website at www.utc.wa.gov. If you have questions or require additional information, please contact Mathew Perkinson, Compliance Investigator, at (360) 664-1105 or mperkinson@utc.wa.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "David W. Danner".

David W. Danner
Executive Director and Secretary



Blade, Sandra

From: InterNotes1 <InterNotes1@WUTC.wa.gov>
Sent: Friday, May 04, 2012 3:14 PM
To: Blade, Sandra
Subject: WUTC e-file submission received, confirmation ID 6708

Your e-file submission has been received by the Washington Utilities and Transportation Commission. Please save this e-mail, and use the confirmation ID when contacting the Commission.

We would appreciate your feedback on the electronic submission process.
Please go to <https://fortress.wa.gov/wutc/home/rcwp.nsf/frnEfileSurvey> to fill out a survey.

Please do not reply to this message. This is an automated message, and the originating account cannot receive e-mails.

E-file submission details:

E-file ID: 6708
Docket No.: This filing is not associated with an existing docket
Company: Norlight, Inc. T5135
Filing description: 2011 Telecom Annual Report NOR

Documents filed:

Filename: Wash Telecom Annual Report Form 2011 NOR.doc
Description: T5135 ANNUAL REPORT
Confidentiality: None

Filename: Wash Telecom Regulatory Fee Sheet 2011 NOR.xls
Description: T5135 FEE CALC
Confidentiality: None

Filename: Schedule 11 Income Stmt 2011 NOR.xlsx
Description: T5135 INCOME STATEMENT
Confidentiality: None

Filename: Schedule 10 Balance Sheet 2011 NOR.xlsx
Description: T5135 BALANCE SHEET
Confidentiality: None

Attachment B

Carnes, Rae Lynn (UTC)

From: Carnes, Rae Lynn (UTC)
Sent: Friday, August 10, 2012 9:07 AM
To: Perkinson, Mathew (UTC)
Cc: Andrews, Amy (UTC)
Subject: FW: Records Center E-file Submission ID 6708

Morning,

I missed this annual report. I thought it was the same Norlight Telecommunications, but it was actually Norlight Inc. She paid the \$75 penalty today she should have accrued. I apologize. I missed it.

Please let me know if you need anything else from me.

Sorry,

Thanks,

rae Lynn

From: Lisa Wyse/WUTC@WUTC
Sent: Friday, May 04, 2012 1:43 PM
To: Carnes, Rae Lynn (UTC)
Cc: Wyse, Lisa (UTC)
Subject: Records Center E-file Submission ID 6708

The following e-file submission has been forwarded by the Records Center for your review. Please take any requested action and reply with relevant information as needed. If applicable, please respond by opening the filing using the link below, then clicking on the button "Respond to Records Center" at the top of the filing form.

Comment: No Confidential info. Lisa

E-file submission details:
E-file ID: 6708
Docket No.: This filing is not associated with an existing docket
Company: Norlight, Inc. T5135
Filing description: 2011 Telecom Annual Report NOR

Documents filed:

Filename: Wash Telecom Annual Report Form 2011 NOR.doc
Description: T5135 ANNUAL REPORT
Confidentiality: None

Filename: Wash Telecom Regulatory Fee Sheet 2011 NOR.xls
Description: T5135 FEE CALC
Confidentiality: None

Filename: Schedule 11 Income Stmt 2011 NOR.xlsx
Description: T5135 INCOME STATEMENT
Confidentiality: None