



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. Vodafone US Inc.*

Commission Staff's Response to Application for Mitigation of Penalties UT-170499

Dear Mr. King:

On June 28, 2017, the Utilities and Transportation Commission issued a \$1,000 Penalty Assessment in Docket UT-170499 against Vodafone US 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, Vodafone US Inc. wrote the commission requesting mitigation of penalties. In its mitigation request, Vodafone US Inc. does not dispute the violation occurred. The company states, "...Vodafone respectfully requests mitigation, or in the alternative reduction, of the penalty issued against the company for failure to timely file the Annual Report. The delay in filing was due to a computer programming error attributable to a third party, which in turn caused a delay in generating the data necessary to complete the return. The company further respectfully requests that the Commission take into consideration that the company does not generate revenue from telecommunication service in the state of Washington subject to the regulatory fee, and that Vodafone has a history of compliance with this reporting requirement. Vodafone does understand the seriousness of ensuring timely filing with the Commission going forward."

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. Vodafone US Inc. did not request an extension to file the annual report late.

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The company filed their complete annual report on July 18, 2017 and the regulatory fee was paid on June 11. In 2015, Vodafone US Inc. filed a late annual report.

The Commission will only grant mitigation if the violations occurred due to circumstances beyond the company's control. Vodafone US Inc. did not request an extension and did not illustrate that they were unable to file their annual report and pay their regulatory fee due to circumstances beyond their control. Staff does not recommend mitigation nor a reduction of the penalty.

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

Sincerely,

/s/ Sean Bennett

Sean Bennett, Regulatory Analyst  
Administrative Services