

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

| | | |
|---|---|------------------------|
| In the Matter of the Penalty Assessment |) | DOCKET UT-090440 |
| Against |) | |
| |) | ORDER 01 |
| CORDIA COMMUNICATIONS |) | |
| CORP., in the Amount of \$2,700 |) | ORDER OF CONSOLIDATION |
| |) | |
| |) | |
| |) | |
| In the Matter of the Penalty Assessment |) | DOCKET UT-090441 |
| Against |) | |
| |) | ORDER 01 |
| NORTHSTAR TELECOM, INC, in |) | |
| the Amount of \$18,000 |) | ORDER OF CONSOLIDATION |
| |) | |
| |) | |

BACKGROUND

1 ***Cordia Communications Corp.*** On April 20, 2009, the Washington Utilities and Transportation Commission (Commission) entered a Notice of Penalty Assessment against Cordia Communications Corp. (Cordia) for 27 violations of the Commission’s rules. Specifically, the Commission alleged two violations of WAC 480-120-166(6) which requires a telecommunications company to report the results of its investigation of service-affecting informal complaints to Commission Staff within two business days from the date Commission Staff passes the complaint to the company. The Commission alleged 18 violations of WAC 480-120-166(7) which requires a telecommunications company to report the results of its investigation of nonservice-affecting informal complaints to Commission Staff within five business days from the date Commission Staff passes the complaint to the company. In addition, the Commission alleged 7 violations of WAC 480-120-166(8) which requires a telecommunications company, unless another time is allowed, to provide complete responses to Commission Staff requests for additional information within three business days. Each day of noncompliance with these rules constitutes a separate violation.

2 On May 12, 2009, Cordia filed a petition for mitigation, admitted the violations,
waived its right to a hearing, and requested that this matter be resolved on the basis of
the information presented. In its mitigation request, Cordia noted problems with the
Operational Support System (OSS) it uses to record consumer complaints and that the
employee whose behavior was the genesis of many of the violations, Mr. Keith
Applewhite, is no longer employed by Cordia.

3 *Northstar Telecom, Inc.* On April 20, 2009, the Commission entered a Notice of
Penalty Assessment against Northstar Telecom, Inc. (Northstar) alleging 180
violations of the Commission's rules. The Commission alleged four violations of
WAC 480-120-166(6), 65 violations of WAC 480-120-166(7), and 111 violations of
WAC 480-120-166(8).¹

4 On May 12, 2009, Northstar filed a petition for mitigation, admitted the violations,
waived its right to a hearing, and requested that this matter be resolved on the basis of
the information provided. In its mitigation request, Northstar also cited problems
with the OSS it uses to record consumer complaints and with the behavior of Mr.
Keith Applewhite as the source of many of the violations of the Commission's rules.
Mr. Applewhite has also been terminated from employment with Northstar.

5 *Commission Decision.* The Commission notes that Cordia and Northstar share the
same street address albeit at different suites at that location. Cordia and Northstar
admitted violations to the same provisions of the Commission's rules; WAC 480-120-
166(6), WAC 480-120-166(7), and WAC 480-120-166(8). The applications for
mitigation are signed by the same individual who appears to serve as general counsel
for both telecommunications companies. Cordia and Northstar cite the same
problems with their Operational Support Systems that record consumer complaints
and problems with the same former employee's handling of consumer complaints.

6 Accordingly, the Commission concludes that the matters in these two dockets appear
to involve related facts and principles of law. Therefore, it is appropriate that they be
consolidated for determination pursuant to WAC 480-07-320.

7 It is so ordered.

¹ A more complete description of what these rules require is stated in paragraph 1 of this Order.

- 8 The Commissioners have delegated authority to the Executive Secretary to enter this Order pursuant to RCW 80.01.030 and WAC 480-07-905(1)(h).

Dated at Olympia, Washington, and effective May 18, 2009.

DAVID W. DANNER
Executive Director and Secretary

NOTICE TO PARTIES: This is an order delegated to the Executive Secretary for 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. You may seek Commission review of this decision. 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.

This notice and review process is pursuant to the provisions of RCW 80.01.030 and WAC 480-07-904(2) and (3).