

[Service Date August 17, 2012]

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment	)	DOCKET UT-120973
Against	)	
	)	ORDER 01
GO SOLO TECHNOLOGIES, INC.,	)	
	)	
in the amount of \$2,100.00.	)	ORDER DENYING MITIGATION
	)	
.....	)	

**MEMORANDUM**

- 1 **Penalty.** On July 30, 2012, the Washington Utilities and Transportation Commission (Commission) assessed a penalty of \$2,100 against Go Solo Technologies, Inc. (Go Solo), 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.
  
- 2 On February 29, 2012, the Commission mailed Annual Report forms and Regulatory Fee packets to all regulated competitively classified telecommunications companies as required by WAC 480-120-382. On May 14, 2012, the Commission mailed a letter to companies that had not yet filed an annual report notifying them that they had incurred, as of that date, a penalty of \$800. The letter explained that companies who filed their annual reports no later than May 25, 2012, would receive mitigated penalties of \$25 per day, with an additional \$25 per day assessed for each instance in the previous five years that the company received a penalty for filing a late report.
  
- 3 On the date the Commission assessed the subject penalty, Go Solo’s report was already 90 days overdue, making the company liable for penalties of up to \$9,000. The Commission, considering the nature of the offense and other factors, exercised its discretion to assess less than the maximum penalty. The Commission assessed a significant, but not unduly punitive, penalty of \$2,100.

4 **Mitigation Request.** On August 6, 2012, the company's agent, Compliance Solutions, Inc. (Compliance Solutions), filed a form provided by the Commission requesting mitigation of the penalty (Mitigation Request). Go Solo, through its agent, does not dispute that the violation occurred. Compliance Solutions filed a letter in support of the Mitigation Request stating (emphasis added) that:

Compliance Solutions became Go Solo Technologies, Inc.'s tax preparation firm beginning on February 2, 2012. Due to a misunderstanding between Go Solo and Compliance Solutions, the Washington Annual Report was not filed on time. *However, as soon as both parties became aware of this oversight, the report and regulatory fees were filed.* Because Compliance Solutions has such an outstanding record with the Washington Utilities and Transportation Commission and the immediate attention we provided to this issue, we ask that the fees assessed to Go Solo Technologies be reduced.

5 There is no evidence that Go Solo's annual report was, in fact, filed on or before August 6, 2012. Though the above quoted letter is dated August 2, 2012, and bears a Commission time stamp showing its filing on August 6, 2012, Staff's Response to Go Solo's Mitigation Request, dated August 9, 2012, bearing a Commission service date stamp of August 10, 2012, states that: "As of August 7, 2012 Go Solo Technologies, Inc. has not filed its annual report." Indeed, a search of the Commission's online records indicates the report has not been filed as of the date of this Order.

6 **Commission Staff Opposition to Mitigation.** Commission Staff filed its Response to Go Solo's Mitigation Request on August 10, 2012. Staff opposes mitigating the assessed penalty because this is not the company's first offense. Go Solo became regulated in September 2000 and received a penalty of \$100 in 2006 for filing a delinquent annual report.

7 **Commission Determination.** The Commission determines that it should deny the Mitigation Request consistent with Staff's recommendation. It is the company's responsibility to ensure that its regulatory fee and annual report are filed by the May 1 deadline each year. Nevertheless, the Commission reminds companies of their obligation each year, as it did in this case by its mailing of an Annual Report form and Regulatory Fee packet to Go Solo on February 29, 2012, well ahead of the May 1,

2012, deadline. The company did not respond to this reminder. The company also did not respond to the Commission's May 14, 2012, Notice of Enforcement Action.

8 The Commission also is concerned about the apparent continuing noncompliance by Go Solo with respect to its obligation to file an annual report for 2011. Moreover, it appears that the company's agent, Compliance Solutions, made a material misrepresentation to the Commission in its sworn declaration on August 2, 2012, that "as soon as both parties became aware of this oversight, the report and regulatory fees were filed." As discussed above, Staff reports that Go Solo did not file its report as of August 7, 2012, and there is no Commission record of the report having been filed to date. These facts suggest, at a minimum, a lack of regulatory fitness.

**ORDER**

**THE COMMISSION ORDERS THAT:**

- 9 (1) The penalty of \$2,100 assessed against Go Solo Technologies, Inc., on July 30, 2012, is due and payable to the Commission within 15 days following the date of this Order.
- 10 (2) The Commission delegates to its Secretary authority to enter this Order on behalf of the Commissioners under WAC 480-07-904(1)(h).
- 11 (3) The Commission retains jurisdiction to consider assessing additional penalties or taking other legal action, as may be appropriate, against Go Solo Technologies, Inc., and its agent acting on its behalf in this matter.

DATED at Olympia, Washington, and effective August 17, 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.