

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment)	DOCKET UT-121005
Against)	
)	ORDER 01
QX TELECOM, LLC,)	
)	
in the amount of \$2,100.00.)	ORDER RESCINDING PENALTY
.....)	

MEMORANDUM

- 1 **Penalty.** On August 1, 2012, the Washington Utilities and Transportation Commission (Commission) assessed a penalty of \$2,100 against QX Telecom, LLC (QX), 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. QX failed to file an annual report.

- 2 QX, upon receiving the Commission’s penalty assessment, informed the Commission in writing that the company operated at a loss in 2011 and ceased doing business in Washington.

- 3 **Commission Staff Support for Waiver.** Commission Staff filed a Response to QX’s letter on September 28, 2012. Staff states that companies that cease business operations during the prior year are not required to file an annual report or pay a regulatory fee. QX became inactive in Washington on January 10, 2012, as shown by Order 01 in Docket UT-111529. Therefore, Staff says, the company is not subject to any penalties for failure to file an annual report.

- 4 **Commission Determination.** The Commission determines that it should rescind the penalty assessed against QX. There is no apparent basis for penalizing the company.

ORDER

THE COMMISSION ORDERS THAT:

- 5 (1) The penalty of \$2,100 assessed against QX Telecom, LLC is rescinded.
- 6 (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 October 30, 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.