

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment)	DOCKET UT-121018
Against)	
)	ORDER 01
UNITED AMERICAN)	
TECHNOLOGY, INC.,)	ORDER DENYING MITIGATION
)	
in the amount of \$2,100.00.)	
.....)	

MEMORANDUM

- 1 **Penalty.** On August 1, 2012, the Washington Utilities and Transportation Commission (Commission) assessed a penalty of \$2,100 against United American Technology, Inc. (United American), 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 United American, however, did not file its 2011 annual report until June 26, 2012. This is 56 days late, making the company liable for a penalty of up to \$5,600 as provided in Revised Code of Washington (RCW) 80.04.405. 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 13, 2012, the company filed a form requesting mitigation of the penalty (Mitigation Request). In its Mitigation Request, United American does not dispute that the violation occurred. The company sets forth no

mitigating circumstances. Indeed, the company simply confirms that the violation occurred, stating: “Annual Report mailed 6-22-12 –see attached copy.”

- 5 **Commission Staff Opposition to Mitigation.** Commission Staff filed a Response to the Mitigation Request on October 22, 2012. Staff does not support mitigating the assessed penalty because this is United American’s second offense. The company also failed to file its report on time in 2011 and was penalized \$100 for its failure.
- 6 **Commission Determination.** The Commission determines that it should deny the Mitigation Request, consistent with Staff’s recommendation. This decision is based on United American’s undisputed violation of the law, its failure to state any mitigating circumstances, and the fact that this is the company’s second violation in two years. United American became subject to the Commission’s jurisdiction in 2004 and apparently met its annual report filing obligations until last year. Its failure to do so two years in a row suggests a loss of commitment by the company to conduct its business as the law requires.

ORDER

THE COMMISSION ORDERS THAT:

- 7 (1) The penalty of \$2,100 assessed against United American Technology, Inc., on August 1, 2012, is due and payable to the Commission within 15 days following the date of this Order.
- 8 (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 26, 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.