

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment)	DOCKET UT-121023
Against)	
)	ORDER 01
VMC 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 VMC Telecom, LLC (VMC), 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. VMC failed to file an annual report.

2 VMC, upon receiving the Commission’s penalty assessment informed the Commission in writing that while the company received authority from the Commission effective October 20, 2011:

Within three months of the effective date of Registration, VMC Telecom, LLC ceased efforts to move forward implementing the business plan ... In error, VMC Telecom, LLC did not instruct the company handling ongoing compliance to take necessary steps to withdraw or terminate operating authority in Washington, including the filing of final report ... We have corrected this oversight by requesting termination of the authority issued to VMC Telecom, LLC.

3 **Commission Staff Support for Waiver.** Commission Staff filed a Response to VMC’s letter on September 28, 2012. Staff states that companies that cease business operations during the prior year but do not cancel their Commission-issued permit or registration nevertheless are not required to file an annual report or pay a regulatory fee. Therefore, Staff says, the company is not subject to any penalties.

- 4 **Commission Determination.** The Commission determines that it should rescind the penalty assessed against VMC. Although VMC failed to notify the Commission that it no longer intended to retain authority to do business in Washington and intended to cancel its permit, there is no apparent basis for penalizing the company.

ORDER

THE COMMISSION ORDERS THAT:

- 5 (1) The penalty of \$2,100 assessed against VMC Telecom, LLC is rescinded.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