

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment)	DOCKET UT-130790
Against)	
)	ORDER 01
BROADVOX-CLEC, LLC,)	
)	ORDER GRANTING
in the amount of \$1800)	MITIGATION TO \$900
.....)	

BACKGROUND

- 1 Washington law requires regulated telecommunications companies to file annual reports and pay regulatory fees by May 1 of each year. WAC 480-120-382. On February 28, 2013, the Washington Utilities and Transportation Commission (Commission) mailed annual report and regulatory fee forms to all regulated telecommunications companies. The cover letter accompanying the forms reminded companies to file their annual reports and pay their regulatory fees by May 1, 2013, and detailed potential penalties companies faced if they failed to file by that date. The penalties include an assessment of \$100 for each violation of Commission rules, and in the case of continuing violations, each day’s continuance is a separate violation. RCW 80.04.405.

- 2 On May 10, 2013, the Commission notified Broadvox-CLEC, LLC (Broadvox or Company) that the Company’s annual fee and regulatory report was overdue, and that, as a consequence, Broadvox had accrued a penalty of \$700. That notice further explained that the penalty would increase by \$100 per day for each business day that the Company failed to file the report and pay the fee. The notice stated that companies that filed no later than May 24, 2013, would receive mitigated penalties, but Broadvox did not file its annual report or pay its regulatory fee by that date.

- 3 On June 18, 2013, Broadvox filed an incomplete annual report and paid its regulatory fee.¹ On July 31, 2013, the Commission assessed a penalty of \$1,800 against Broadvox for the late filing, calculated as \$100 per business day from May 1 to May 24, the date on which daily penalties ceased to accrue.

¹ The Company filed a complete report on September 6, 2013.

4 On September 27, 2013, Broadvox responded to the Commission’s penalty assessment, admitting the violation but requesting mitigation of the assessed penalty. The Company contends that the “Commission records for the company address showed an incorrect zip code,” and now that this error has been corrected, “[t]he Company is requesting mitigation based on their temporary inability to received mail from the Commission.”

5 On October 11, 2013, Staff filed a response in support of mitigating the penalty to \$900 because the Company had not previously missed the deadline for filing its annual report.

DISCUSSION

6 We agree with Staff’s recommendation. Broadvox is responsible for ensuring the accuracy of its contact information on file with the Commission. Its failure to do so does not justify reducing the penalty for not filing a complete annual report until over four months after it was due. The obligation to file an annual report and pay regulatory fees by May 1 each year, moreover, arises from Commission rule, not mailings. Like all regulated companies, Broadvox is charged with knowing and complying with such rules, with or without the courtesy reminders the Commission provides.

7 The Commission, however, has mitigated the penalty amount for these violations to \$900 for other companies in similar circumstances that had not previously failed to timely file their annual reports and pay regulatory fees. Accordingly, we grant Broadvox the same level of mitigation.

ORDER

THE COMMISSION ORDERS:

8 (1) The request of Broadvox-CLEC, LLC, for mitigation of the \$1,800 penalty is GRANTED.

9 (2) The penalty is reduced to \$900, which is due and payable no later than December 31, 2013.

10 The Secretary has been delegated authority to enter this order on behalf of the Commissioners under WAC 480-07-904(1)(h).

DATED at Olympia, Washington, and effective December 11, 2013.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING
Executive Director and Secretary

NOTICE TO PARTIES: This is an order delegated to the Executive Secretary for decision. As authorized in WAC 480-07-904(3), you must file any request for Commission review of this order no later than 14 days after the date the decision is posted on the Commission's website. 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 website.