

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment)	DOCKET UT-130821
Against)	
)	ORDER 01
LDC Telecommunications, Inc.)	
)	ORDER WITHDRAWING
in the amount of \$1,800)	PENALTY ASSESSMENT
.....)	

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 packets 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 April 10, 2013, LDC Telecommunications, Inc. (LDC or Company) submitted an incomplete annual report to the Commission. On May 10, 2013, the Commission notified LDC that the Company’s annual fee and regulatory report were overdue, and that, as a consequence, LDC 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 LDC did not complete its annual report or pay its regulatory fee by that date.

- 3 On August 1, 2013, the Commission assessed a penalty of \$1,800 against LDC, calculated as \$100 per business day from May 1 to May 24.

- 4 On August 20, 2013, LDC sent the Commission its Regulatory Fee Calculation Schedule showing zero gross operating intrastate revenue for 2012. LDC included a letter seeking mitigation.

5 On August 29, 2013, the Company sent the Commission a letter stating, “[p]lease
accept this confirmation to cancel LDC Telecommunications certificate, we are
extremely grateful that the penalty will now be revoked.”

6 On September 3, 2013, Staff filed a response recommending withdrawal of the
penalty because the Company is in dissolution and reported no revenue in
Washington in 2012.

DISCUSSION

7 The Commission will exercise its discretion to withdraw the penalty previously
assessed against LDC in this case. The Commission’s primary objective in any
enforcement action is to ensure compliance with a company’s legal obligations, and
penalties both punish noncompliance and provide an incentive to comply in the
future. The assessed penalty would further neither of these goals if the Company no
longer is registered to provide telecommunications services in Washington. The
Commission, therefore, withdraws that penalty based on the understanding that LDC
is seeking to cancel its registration.

ORDER

8 THE COMMISSION ORDERS that the penalty previously assessed against LDC
Great America Networks, Inc. in this docket is withdrawn.

9 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 18, 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.