

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment)	DOCKET UT-140871
Against)	
)	ORDER 01
BIG RIVER TELEPHONE COMPANY,)	
LLC)	ORDER DENYING MITIGATION
)	
in the amount of \$600)	
.....)	

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, 2014, the Washington Utilities and Transportation Commission (Commission) mailed annual report and regulatory fee forms to all regulated telecommunications companies. The forms included a reminder that companies must file their annual reports and pay their regulatory fees by May 1, 2014, or face penalties of \$100 for each violation of Commission rules. In the case of continuing violations, each day’s continuance is a separate violation. RCW 80.04.405.

- 2 Big River Telephone Company, LLC filed an incomplete annual report on May 1, 2014. On May 2, Commission Staff (Staff) contacted the Company and requested a copy of its income statement and a resubmission of its regulatory fee calculation sheet, which was mistakenly marked “confidential.” The Company submitted its complete, corrected report on May 9. On May 30, the Commission assessed a penalty of \$600 against Big River Telephone Company, LLC, calculated as \$100 per business day from May 1 to May 9.

- 3 On June 16, 2014, Big River Telephone Company, LLC responded to the Commission’s penalty assessment admitting the violations and requesting mitigation of the penalty based on the written information provided. The Company explained that it is unfamiliar with Washington requirements for filing annual reports, which, coupled with an administrative oversight, resulted in the error.

4 On July 1, 2014, Staff filed a response recommending the Commission deny the Company's request for mitigation. Staff explained that the Company filed a similarly incomplete annual report with missing financial statements in 2012, and received an automatic mitigation of that penalty.

5 In response to the 2012 penalty for filing an incomplete annual report, Big River Telephone Company, LLC requested further mitigation, which was granted in full on the condition of compliance in 2013.

DISCUSSION

6 WAC 480-120-382 requires regulated telecommunications companies to file annual reports and pay regulatory fees by May 1 of each year. Companies are responsible for complying with their legal obligations, and the Company should have taken measures to ensure its filing was timely submitted in its entirety.

7 The Commission agrees with Staff's recommendation and denies the Company's request for mitigation. The Commission considers a number of factors when entertaining a request for mitigation, including the company's compliance history, and the likelihood the violation will recur.¹ Ultimately, the Commission's goal is to gain compliance going forward. Because the Company has a history of noncompliance and was previously granted leniency, the violation is likely to recur absent a penalty. Moreover, the Company offers the same excuse in its 2014 mitigation request (an administrative oversight) for the same error (missing financial statements) as it did in the mitigation request filed in 2012. The Commission finds the penalty amount to be a reasonable deterrent to overlooking future filing deadlines and requirements.

ORDER

THE COMMISSION ORDERS:

- 8 (1) The request of Big River Telephone Company, LLC for mitigation of the \$600 penalty is DENIED.
- 9 (2) The penalty is due and payable no later than July 23, 2014.

¹ Docket A-120061, Enforcement Policy for the Washington Utilities and Transportation Commission (January 7, 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 July 9, 2014.

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.