

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

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|---------------------------------------|---|---------------------|
| In the Matter of a Penalty Assessment |) | DOCKET UT-140911 |
| Against |) | |
| |) | ORDER 01 |
| PUBLIC WIRELESS, INC. |) | |
| |) | ORDER GRANTING |
| in the amount of \$1,000 |) | MITIGATION TO \$200 |
| |) | |

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 Public Wireless, Inc. did not file its annual report on May 1, 2014, and had not made that filing by May 15. On May 30, the Commission assessed a penalty of \$1,000 against Public Wireless, Inc., calculated as \$100 per business day from May 1 to May 15.
- 3 Public Wireless, Inc. filed its annual report on June 9, 2014, with no regulatory fees due.
- 4 On June 12, 2014, Public Wireless, Inc. 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 recently reorganized, and the new regulatory manager either misplaced or did not receive the forms.

5 On June 26, 2014, Commission Staff (Staff) filed a response recommending a penalty reduction to \$200. Staff noted that Public Wireless, Inc. has been active since 2009, and has no prior violations of WAC 480-120-382.

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 been aware of the need to file an annual report, particularly given the Commission's reminders. The Company should not, however, rely on the Commission's notifications to ensure compliance. In addition, the Company is responsible for ensuring reports are timely filed regardless of staff turnover.

7 The Commission nevertheless agrees with Staff's recommendation. The Commission may consider a number of factors when entertaining a mitigation request, including a company's past compliance with commission rules, whether a company promptly corrected the violation, and the likelihood the violation will recur.¹ This is Public Wireless, Inc.'s only violation of WAC 480-120-382, and the Company has since filed its report. Given the Company's history of compliance, the violation is unlikely to recur. The Commission will therefore exercise its discretion to reduce the penalty to \$200.

ORDER

THE COMMISSION ORDERS:

- 8 (1) The request of Public Wireless, Inc. for mitigation of the \$1,000 penalty is GRANTED in part, and the penalty is reduced to \$200.
- 9 (2) The penalty is due and payable no later than July 25, 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 11, 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.