

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment	)	DOCKET UT-140912
Against	)	
	)	ORDER 01
RADIX NETWORKS LLC	)	
	)	ORDER GRANTING
in the amount of \$300	)	MITIGATION TO \$75
.....	)	

**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 Radix Networks LLC filed an incomplete annual report on April 29, 2014. On May 2, Commission Staff (Staff) contacted the Company and requested a redacted version of its financial statements, which were filed “confidential” pursuant to WAC 480-07-160. The Company submitted its complete report on May 6. On June 3, the Commission assessed a penalty of \$300 against Radix Networks LLC, calculated as \$100 per business day from May 1 to May 6.
  
- 3 On June 18, 2014, Radix Networks LLC responded to the Commission’s penalty assessment disputing the violations and contesting the penalty. The Company explained that it timely submitted its annual report, but was asked to re-submit a redacted version of its financial statements. The Company noted that it timely responded to Staff’s request, received on the afternoon of May 2, 2014, by providing the requested information within two business days, on May 6. The Company requested full mitigation of the penalty.

4 On July 2, 2014, Staff filed a response recommending a penalty reduction to \$25 per day because the company has no prior violations of WAC 480-120-382.

### **DISCUSSION**

5 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 being aware of applicable Commission rules, including provisions of WAC 480-07-160 that require confidential filings to include redacted versions.

6 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 compliance history, whether a company promptly corrected the violation at issue, and the likelihood the violation will recur.<sup>1</sup> This is Radix Networks LLC's only violation of WAC 480-120-382, and the Company filed its annual report prior to receiving a penalty. Radix Networks LLC has been registered with the Commission since 2006; given the Company's history of compliance, it is unlikely the violation will recur. The Commission will therefore exercise its discretion to reduce the penalty to \$25 per day, or \$75.

### **ORDER**

#### **THE COMMISSION ORDERS:**

- 7 (1) The request of Radix Networks LLC for mitigation of the \$1,000 penalty is GRANTED in part, and the penalty is reduced to \$75.
- 8 (2) The penalty is due and payable no later than July 23, 2014.

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<sup>1</sup> Docket A-120061, Enforcement Policy for the Washington Utilities and Transportation Commission (January 7, 2013).

- 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 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.**