BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of a Penalty Assessment Against	)))	DOCKET UT-140924
	))	ORDER 01
TELTRUST CORPORATION	)))	ORDER DENYING MITIGATION
in the amount of $1,000	))	
. . . .	)	

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   Teltrust Corporation did not file its annual report on May 1, 2014, and had not made that filing by May 15. On June 3, the Commission assessed a penalty of $1,000 against Teltrust Corporation, calculated as $100 per business day from May 1 to May 15.

3   On June 9, 2014, Teltrust Corporation 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 the annual report was mailed, but was returned to the Company for lack of postage.

4   Teltrust Corporation filed an incomplete annual report on June 9, 2014, and, to date, has not paid its regulatory fee.

5   On June 20, 2014, Commission Staff (Staff) filed a response recommending the Commission deny the Company's request for mitigation. Staff explained that after

receiving the incomplete report, Staff contacted the Company on June 10. As of June 20, the Company had not responded with the required information. Staff also noted that the Company missed the annual report filing deadline in 2010.

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 submitted timely, and 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, whether the company promptly corrected the violation, and the likelihood the violation will recur.[1] Ultimately, the Commission's goal is to gain compliance going forward. Here, the Company has a history of noncompliance, and has yet to remedy the violation by filing a complete annual report or paying its regulatory fee. In light of these factors, the violations are likely to recur absent a penalty. 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 Teltrust Corporation for mitigation of the $1,000 penalty is DENIED.

9   (2)   The penalty is due and payable no later than July 24, 2014.

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[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 10, 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.