

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment)	DOCKET UT-150802
Against)	
)	ORDER 01
CATTCOMM LLC)	
)	ORDER GRANTING MITIGATION
in the amount of \$1,000)	TO \$250
.....)	

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 27, 2015, 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, 2015, 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 CATTCOMM LLC (CATTCOMM or Company) did not file its annual report on May 1, 2015, and had not made that filing by May 15. On June 2, the Commission assessed a penalty of \$1,000 against CATTCOMM, calculated as \$100 per business day from May 1 to May 15.
- 3 On June 8, 2015, CATTCOMM responded to the Commission’s penalty assessment, admitting the violations and requesting mitigation based on the written information provided. The Company explained that it is a newly established CLEC, and was told by Commission staff that it did not need to file an annual report because it did not operate as a CLEC in 2014. The Company provided a copy of an email communication with Commission staff.
- 4 On June 17, 2015, Commission staff (Staff) filed a response recommending a penalty reduction to \$25 per day, or \$250, because the Company has no prior violations of WAC 480-120-382. Staff noted that the email correspondence between the Company and Staff concerned a data request sent to all telecommunications carriers on March 23, 2015, and was not related to annual reporting requirements.
- 5 On June 22, 2015, CATTCOMM filed its annual report.

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 ensured its annual report was timely filed.

7 The Commission nevertheless agrees with Staff's recommendation. The Commission may consider a number of factors when entertaining a request for mitigation, including whether the violation was promptly corrected and the likelihood the violation will recur.¹ CATTCOMM has since corrected the violations by filing its annual report; but because the email correspondence between Staff and the Company was unrelated to annual reporting requirements, we are not willing to waive the penalty entirely. The Commission will, however, exercise its discretion to reduce the penalty to \$250 because we have granted mitigation to similarly situated companies in their first year of operation.

ORDER

THE COMMISSION ORDERS:

8 (1) CATTCOMM LLC's request for mitigation of the \$1,000 penalty is GRANTED in part, and the penalty is reduced to \$250.

9 (2) The \$250 penalty is due and payable no later than July 17, 2015.

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 7, 2015.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING
Executive Director and Secretary

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

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.