

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment)	DOCKET UT-150813
Against)	
)	ORDER 01
ENCARTELE, INC.)	
)	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 Encartele, Inc. (Encartele or Company) did not file its annual report on May 1, 2015, and had not made that filing by May 15. On June 3, the Commission assessed a penalty of \$1,000 against Encartele, calculated as \$100 per business day from May 1 to May 15.
- 3 On June 9, 2015, Encartele filed its annual report. That same day, the Company responded to the Commission’s penalty assessment, admitting the violations and requesting mitigation based on the written information provided. The Company explained that because an incorrect address is on file with the Commission, it did not receive the annual report packet. The Company stated it has employed a third party to file its annual reports going forward, and requested the penalty be waived.
- 4 On June 22, 2015, Commission staff (Staff) filed a response recommending a penalty reduction to \$25 per day, or \$250, because the Company became regulated in 2014, and therefore 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

complying with their legal obligations, and the Company should not rely on reminders from the Commission to ensure compliance. Moreover, it is the Company's responsibility to ensure that its correct address is on file with the Commission.

- 6 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 Encartele has since corrected the violations by filing its annual report, and has provided assurances of future compliance. Because we have granted mitigation to similarly situated companies in their first year of operation, the Commission will exercise its discretion to reduce the penalty to \$250.

ORDER

THE COMMISSION ORDERS:

- 7 (1) Encartele, Inc.'s request for mitigation of the \$1,000 penalty is GRANTED in part, and the penalty is reduced to \$250.
- 8 (2) The \$250 penalty is due and payable no later than July 20, 2015.
- 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 8, 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.