

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment)	DOCKET UT-150861
Against)	
)	ORDER 01
VITCOM, LLC)	
)	ORDER GRANTING
in the amount of \$1,000)	MITIGATION 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 Vitcom, LLC (Vitcom or Company) did not file its annual report on May 1, 2015, and had not made that filing by May 15. On June 5, the Commission assessed a penalty of \$1,000 against Vitcom, calculated as \$100 per business day from May 1 to May 15.
- 3 On June 8, 2015, Vitcom filed an incomplete annual report. On June 11, 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 it mailed its annual report on March 18, 2015, but cannot provide proof of mailing.
- 4 On June 24, 2015, Commission staff (Staff) filed a response recommending a penalty reduction to \$25 per day, or \$250, conditioned on the Company filing a complete report. Staff explained that 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 have ensured its complete report was timely filed.

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 Although Vitcom has not yet corrected the violations, Staff has contacted the Company and requested clarification. 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 conditioned on the Company filing its complete annual report and paying its regulatory and late payment fees no later than ten days from the date of this order. If the Company fails to file a complete annual report and pay its regulatory and late payment fees by that date, the remaining \$750 penalty will immediately become due and payable without further action by the Commission.

ORDER

THE COMMISSION ORDERS:

7 (1) Vitcom, LLC's request for mitigation of the \$1,000 penalty is GRANTED in part, and the penalty is reduced to \$250 conditioned on Vitcom, LLC filing a complete annual report and paying its regulatory and late payment fees no later than July 20, 2015. If Vitcom, LLC fails to complete its filing by that date, the remaining \$750 penalty will become due and payable on July 21, 2015, without further action by the Commission.

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 10, 2015.

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.

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