

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment Against	DOCKET UT-160543
ALLIANCE GROUP SERVICES, INC.	ORDER 01
in the amount of \$400	ORDER GRANTING MITIGATION

BACKGROUND

- 1 On February 29, 2016, 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 Monday, May 2, 2016, 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 Alliance Group Services, Inc. (Alliance or Company) filed an incomplete annual report on April 28, 2016, and did not make a complete filing until May 6. On June 13, the Commission assessed a penalty of \$400 against Alliance, calculated as \$100 per business day from May 2 to May 6.
- 3 On June 30, 2016, Alliance responded to the Commission's penalty assessment, admitting the violations and requesting mitigation based on the written information provided. In its response, the Company stated, "Nationwide Regulatory Compliance mailed the report and payment on April 25, 2016. The check for payment of \$150 cleared our bank on April 29, 2016. Nationwide Regulatory Compliance was contacted for company financial information on May 6, 2016, which they supplied via email immediately."
- 4 On July 14, 2016, Staff filed a response recommending the Commission grant the Company's request for mitigation because the Company has been active since 1998 and has no prior violations of WAC 480-120-382. In addition, the Company promptly corrected the violations prior to receiving the penalty assessment.

DISCUSSION

- 5 WAC 480-120-382 requires regulated telecommunications companies to file annual reports and pay regulatory fees by May 1 of each year, or the first business day thereafter. Companies are responsible for complying with their legal obligations, and the Company should have ensured its report was complete when 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, a company’s history of compliance, and the likelihood the violation will recur.¹ Here, Alliance made a good faith effort to file its annual report before May 2 and corrected the violation prior to receiving the penalty assessment. In addition, this is the Company’s first violation of WAC 480-120-382 since it became regulated in 1998; given its extensive history of compliance, the violations are unlikely to recur. In light of these factors, the Commission will exercise its discretion to grant mitigation of the penalty in full.

ORDER

THE COMMISSION ORDERS:

- 7 (1) Alliance Group Services, Inc.’s request for mitigation of the \$400 penalty is GRANTED.
- 8 (2) No penalty is due.
- 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 August 5, 2016.

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.