

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment Against	DOCKET UT-160593
TELEUNO, INC.	ORDER 01
in the amount of \$1,000	ORDER GRANTING MITIGATION TO \$250

**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 TeleUno, Inc. (TeleUno or Company) timely paid its regulatory fee but did not file its annual report on May 2, 2016, and had not made that filing by May 16. On June 14, the Commission assessed a penalty of \$1,000 against TeleUno, calculated as \$100 per business day from May 2 to May 16.
- 3 On June 17, 2016, TeleUno filed its annual report. On June 28, TeleUno responded to the Commission's penalty assessment, admitting the violations and requesting mitigation based on the written information provided. The Company explained that it attempted to upload its annual report on the Commission's website on both April 25 and 26, but never received confirmation that its submission was successful. When the website was unable to process its credit card payment, the Company called Commission staff (Staff) on April 29 and paid its regulatory fee over the phone.
- 4 On July 12, 2016, 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 explained that there is no record of the Company's attempt to electronically file its annual

report, but the Commission's online payment processing system was experiencing technical issues at the time the Company made its payment.

### **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 contacted to Staff to determine whether its electronic filing was received.
- 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.<sup>1</sup> Here, TeleUno has since corrected the violation by filing its annual report, and the Company timely paid its regulatory fee. In addition, this is the Company's first violation of WAC 480-120-382 since it became regulated in 2001; given its history of compliance, the violations are unlikely to recur. In light of these factors, the Commission will exercise its discretion to reduce the penalty to \$250.

### **ORDER**

#### **THE COMMISSION ORDERS:**

- 7 (1) TeleUno, 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 August 1, 2016.
- 9 The Secretary has been delegated authority to enter this order on behalf of the Commissioners under WAC 480-07-904(1)(h).

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

DATED at Olympia, Washington, and effective July 18, 2016.

**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.**