

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Revocation of  
Telecommunications Registration of

SIMPLY CELLULAR &  
TELEPHONE, LLC

for Failure to Pay Penalty Assessment  
Fees.

DOCKET NO. UT-020620

FINAL ORDER: REVOKING  
REGISTRATION FOR FAILURE  
TO RESPOND TO PENALTY  
ASSESSMENT, FAILURE TO  
FILE ANNUAL REPORT, AND  
FAILURE TO PAY  
REGULATORY FEES

**I. SYNOPSIS**

- 1 *The Commission revokes the registration of Simply Cellular & Telephone, LLC for failure to pay regulatory fees and failure to file an annual report.*

**II. PROCEDURAL BACKGROUND**

- 2 On May 20, 2002, Staff of the Washington Utilities and Transportation Commission opened an investigation into the business practices of Simply Cellular & Telephone, LLC (Simply Cellular or Company). As a result of Staff's investigation, the Commission assessed penalties against Simply Cellular in the amount of \$4,400.00. The penalty assessment was sent to Simply Cellular on February 5, 2003. The Company failed to respond to the penalty assessment.
- 3 Staff also investigated into whether the Company submitted an annual report for 2002 and paid its regulatory fees for 2003. Simply Cellular failed to file an annual report or pay regulatory fees.
- 4 On June 11, 2003, the Commission served a notice on Simply Cellular by registered mail and United States mail. The notice was sent to Simply Cellular's last known

address on record with the Commission. The notice informed Simply Cellular that its registration would be revoked for failure to respond to the penalty assessment, failure to file an annual report, and failure to pay regulatory fees.

5 The notice further informed Simply Cellular that it could request, within 30 days of the notice, a hearing to demonstrate why its registration should not be revoked. The notice stated that failure to respond to the notice within 30 days would result in the Commission entering an order revoking Simply Cellular's registration as a telecommunications company without further notice.

6 On August 20, 2003, Staff filed an affidavit declaring that Simply Cellular had failed to respond to the notice of impending registration revocation, and Staff requested that the Commission enter an order revoking the Company's registration without further notice.

### III. RELEVANT STATUTES AND COMMISSION RULES

7 A penalty assessed pursuant to RCW 80.04.409 is due when the person incurring the penalty receives written notice of the violation and penalty. The person incurring the penalty may apply to remit or mitigate the penalty.

8 RCW 80.04.080 requires public service companies to furnish annual reports to the Commission in such form as the Commission may require.

9 WAC 480-120-303 requires competitive telecommunications companies to file an annual report with the Commission no later than May 1 of the succeeding year.

10 RCW 80.24.010 requires that each company pay to the Commission the appropriate regulatory fee on or before the date specified by the Commission for filing annual reports.

11 WAC 480-121-060 allows the Commission to revoke a company's registration for good cause after notice and opportunity for hearing. Good cause includes, but is not limited to, failure to file an annual report or pay regulatory fees.

### IV. FINDINGS OF FACT

12 (1) The Washington Utilities and Transportation Commission is an

agency of the state of Washington, vested by statute with authority to regulate rates, rules, regulations, practices, accounts, securities, and transfers of public service companies, including telecommunications companies.

- 13           (2)    On June 11, 2003, the Commission served a notice by registered mail and United States mail to Simply Cellular at its last known address on file with the Commission. The notice informed Simply Cellular that its registration would be revoked for failure to respond to the February 5, 2003 penalty assessment, file an annual report, and pay regulatory fees.
- 14           (3)    The notice also informed Simply Cellular that it could request a hearing to demonstrate why its registration should not be revoked.
- 15           (4)    Simply Cellular failed to request a hearing to demonstrate why its registration should not be revoked.
- 16           (5)    Simply Cellular failed to respond to the Commission's penalty assessment, failed to file an annual report for 2002, and failed to pay regulatory fees for 2003.

## V.        CONCLUSIONS OF LAW

- 17           (1)    The Washington Utilities and Transportation Commission has jurisdiction over the subject matter of this proceeding and all parties to this proceeding.
- 18           (2)    Pursuant to RCW 80.04.080, RCW 80.04.409, RCW 80.24.010, WAC 480-120-303, and WAC 480-121-060, Simply Cellular's registration as a telecommunications company should be revoked in the state of Washington for failure to respond to the Commission's penalty assessment, failure to file an annual report, and failure to pay regulatory fees.

## VI. ORDER

THE COMMISSION ORDERS That:

- 19 The registration of Simply Cellular & Telephone, LLC, is revoked in the state of Washington for failure to respond to the Commission's penalty assessment, failure to file an annual report, and failure to pay regulatory fees.

DATED at Olympia, Washington, and effective this \_\_\_\_ day of \_\_\_\_\_ 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner

**NOTICE TO PARTIES: This is a final order of the Commission. In addition to judicial review, administrative relief may be available through a petition for reconsideration, filed within 10 days of the service of this order pursuant to RCW 34.05.470 and WAC 480-09-810, or a petition for rehearing pursuant to RCW 80.04.200 or RCW 81.04.200 and WAC 480-09-820(1).**