

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment	)	DOCKET UT-120964
Against	)	
	)	ORDER 01
COLLIER TECHNOLOGIES, LLC,	)	
	)	ORDER GRANTING
in the amount of \$2,100.	)	MITIGATION ON CONDITION
.....	)	

**MEMORANDUM**

- 1 **Penalty.** On July 30, 2012, the Washington Utilities and Transportation Commission (Commission) assessed a penalty of \$2,100 against Collier Technologies, LLC (Collier or Company), for violations of Washington Administrative Code (WAC) 480-120-382. This rule requires competitively classified telecommunications companies to file annual reports with the Commission by May 1 each year. Collier failed to timely file its annual report.
  
- 2 Collier attempted to file its annual report with the Commission on April 30, 2012, using the online filing option, but the Commission received only the supporting documents, not the Company’s report. On May 21, 2012, Collier learned that its electronic filing was incomplete; however, the Company did not make a complete filing until June 11, 2012.
  
- 3 The Commission assessed a penalty of \$100 for each business day that Collier was late in filing its complete annual report, with the total penalty capped at \$2,100.
  
- 4 **Mitigation Request.** On August 13, 2012, Collier filed an Application for Mitigation on a form provided by the Commission. The Company admitted the violation but explained that it had “followed the instructions for filing online” and later “worked with UTC personnel who informed me after the due date that it was incomplete.” Collier contends that it “made more than a reasonable effort to fully complete the annual report before it was due.” The Company did not specify the amount of mitigation it was seeking.
  
- 5 **Commission Staff Support for Limited Mitigation.** Commission Staff filed a Response to the Company’s mitigation request on December 18, 2012. Staff confirms that Collier timely filed its financial documents but that the Company had not included the required annual report. Commission records indicate that Collier was notified of this

deficiency on May 21, 2012, but failed to respond until June 5, 2012. Collier then worked with the Commission's financial services staff to complete the documentation, making a complete filing on June 11, 2012. Staff supports mitigating the assessed penalty by half, from \$2,100 to \$1,050, because this is the first instance of late filing by this Company.

6 **Commission Determination.** The Commission determines that it should mitigate the penalty assessed against Collier to the extent of suspending three-quarters, or \$1,575 of the \$2,100 penalty amount, subject to the condition that Collier files its 2012 annual report by May 1, 2013, *and* also timely pays the unsuspended portion of the penalty. If the company fails to either timely file its 2012 annual report *or* pay the penalty imposed, the suspended penalty of \$1,575 will become due without further action by the Commission. An additional penalty may be assessed for any late filing of the 2012 annual report.

7 This decision is based on the Company's original attempt to timely file its annual report on April 30, 2012, and because this is a first instance of Collier failing to timely file its annual report. The Commission's primary goal in reaching its determination is to promote future compliance. Both the assessed penalty now due and the suspended penalty support this goal.

### **ORDER**

#### THE COMMISSION ORDERS THAT:

- 8 (1) The penalty of \$2,100 assessed against Collier Technologies, LLC, on July 30, 2012, is suspended in the amount of \$1,575 subject to the condition that Collier files its 2012 annual report by May 1, 2013. If the Company fails to timely file its 2012 annual report, the suspended penalty will become due without further action by the Commission.
- 9 (2) The unsuspended portion of the penalty amount of \$2,100 assessed against Collier Technologies, LLC, on July 30, 2012, (*i.e.*, \$525), is due and payable to the Commission within 30 days following the date of this Order. If the Company fails to timely pay this penalty, the suspended penalty will become due without further action by the Commission.

- 10 (3) The Commission delegates to its Secretary authority to enter this Order on behalf of the Commissioners under WAC 480-07-904(1)(h).

DATED at Olympia, Washington, and effective December 28, 2012.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER  
Executive Director and Secretary

**NOTICE TO PARTIES:** This is an order delegated to the Executive Secretary for decision. Under WAC 480-07-904(3), you may seek Commission review of this decision. In addition to serving you a copy of the decision, the Commission will post on its Internet Web site for at least 14 days a listing of all matters delegated to the Executive Secretary for decision under WAC 480-07-904(1). You must file a request for Commission review of this order no later than fourteen (14) days after the date the decision is posted on the Commission's Web site. The Commission will schedule your request for review for consideration at a regularly scheduled open meeting. The Commission will notify you of the time and place of the open meeting at which the Commission will review the order.

The Commission will grant a late-filed request for review only on a showing of good cause, including a satisfactory explanation of why the person did not timely file the request. A form for late-filed requests is available on the Commission's Web site.