

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment	)	DOCKET UT-140889
Against	)	
	)	ORDER 01
GROUP SIX COMMUNICATIONS,	)	
LLC	)	ORDER GRANTING
	)	MITIGATION TO \$250
in the amount of \$1,000	)	
.....	)	

**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 28, 2014, 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, 2014, 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 Group Six Communications did not file its annual report on May 1, 2014, and had not made that filing by May 15. On June 2, the Commission assessed a penalty of \$1,000 against Group Six Communications, calculated as \$100 per business day from May 1 to May 15.
- 3 On August 13, 2014, Group Six Communications responded to the Commission’s penalty assessment admitting the violations and requesting mitigation of the penalty based on the written information provided. The Company explained that its president and founder passed away at the beginning of the year, and the Company has struggled since that time to get its affairs in order. The Company requested the penalty be waived, and provided assurances of future compliance. That same day, the Company filed its annual report and paid its regulatory and late payment fees.
- 4 On August 18, 2014, Commission Staff (Staff) filed a response recommending a penalty reduction to \$25 per day, or \$250. Staff noted that although the company had a previous violation of WAC 480-120-382 in 2011, staff supports partial mitigation of the penalty due to the extenuating circumstances presented by the Company.

## 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 been aware of the need to file an annual report, particularly given the Commission's reminders and its past violation.
- 6 The Commission nevertheless agrees with Staff's recommendation. The Commission may consider a number of factors when entertaining a mitigation request, including a company's past compliance with commission rules and whether a company promptly corrected the violation.<sup>1</sup> Although Group Six Communications previously violated WAC 480-120-382, the Company presented compelling circumstances that contributed to its late filing, and has since filed its annual report and paid all fees. The Commission will therefore exercise its discretion to reduce the penalty to \$250.

## ORDER

### THE COMMISSION ORDERS:

- 7 (1) The request of Group Six Communications, LLC for mitigation of the \$1,000 penalty is GRANTED in part, and the penalty is reduced to \$250.
- 8 (2) The penalty is due and payable no later than September 3, 2014.
- 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 21, 2014.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING  
Executive Director and Secretary

---

<sup>1</sup> 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. 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 website.