

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment	)	DOCKET UT-140919
Against	)	
	)	ORDER 01
TELEDIAS COMMUNICATIONS,	)	
INC.	)	ORDER GRANTING
	)	MITIGATION TO \$200
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 On April 25 and 28, 2014, TeleDias Communications filed incomplete annual reports, and failed to make a complete filing by May 15. On June 2, the Commission assessed a penalty of \$1,000 against TeleDias Communications for filing an incomplete annual report, calculated as \$100 per business day from May 1 to May 15.
- 3 On July 8, 2014, TeleDias Communications filed a complete annual report and 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 it first attempted to file its annual report on April 25, but was contacted by Commission Staff (Staff) and informed that the online form appeared blank. The Company filed a second online report on April 28, but failed to indicate that it had no information to report in the E-911 section.

4 On July 28, 2014, Staff filed a response recommending a penalty reduction to \$200 because the company has no prior violations of WAC 480-120-382.

### **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 submitted a complete annual report by indicating which sections were inapplicable to its business operations rather than leaving them blank.

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 compliance history and whether it promptly corrected the violation at issue.<sup>1</sup> This is TeleDias Communications' only violation of WAC 480-120-382, and the Company has since filed a corrected annual report. The Commission will therefore exercise its discretion to reduce the penalty to \$200.

### **ORDER**

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

- 7 (1) The request of TeleDias Communications, Inc. for mitigation of the \$1,000 penalty is GRANTED in part, and the penalty is reduced to \$200.
- 8 (2) The penalty is due and payable no later than August 15, 2014.

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

- 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 1, 2014.

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. 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.**