

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment	)	DOCKET UT-150846
Against	)	
	)	ORDER 01
TALTON COMMUNICATIONS, INC.	)	
	)	ORDER DENYING REQUEST FOR
in the amount of \$1,000	)	HEARING; DENYING CONTEST
	)	OF VIOLATION; DENYING
.....	)	MITIGATION

**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 27, 2015, 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, 2015, 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 Talton Communications, Inc. (Talton Communications or Company) did not file its annual report on May 1, 2015, and had not made that filing by May 15. On June 4, the Commission assessed a penalty of \$1,000 against Talton Communications, calculated as \$100 per business day from May 1 to May 15.
- 3 On June 9, 2015, Talton Communications filed its annual report. That same day, Talton Communications responded to the Commission’s penalty assessment contesting the violations and requesting a hearing. The Company provided the following information: “Talton Communications partners with Telmate. All revenue and billing pass through Telmate. Telmate filed this form on May 1, 2015 E-File ID: 2212. Filing documents attached.”
- 4 On June 15, 2015, Commission Staff (Staff) filed a response recommending the Commission deny the Company’s request for mitigation. Staff notes that Talton

Communications late-filed its annual report in 2014. Staff also notes that the Company failed to report to the Commission any change in registration for Talton Communications.

### **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 reported any change in registration to the Commission as required.
- 6 As a preliminary matter, we deny the Company's request for a hearing. The Commission's penalty assessment advised the Company that a request for hearing will only be granted if material issues of law or fact require consideration of evidence and resolution in hearing. Here, no issues of law or fact are in dispute. The Company admits that its annual report was filed through a different entity; the Company's affiliation with that entity is not on record with the Commission. The facts, therefore, are undisputed, and the law is clear. Accordingly, the Company's request for a hearing is denied.
- 7 The Commission also denies the Company's contest of the violations. The undisputed facts demonstrate that the Company filed its annual report on June 9, 2015. Because Talton Communications failed to file its annual report by the May 1 deadline, the Company has violated the law.
- 8 Nor is mitigation of the penalty appropriate under these circumstances. The Commission may consider a number of factors when entertaining mitigation, including a company's history of compliance and the likelihood the violation will recur.<sup>1</sup> Talton Communications received and paid a \$1,000 penalty in 2014 for a late-filed annual report. We therefore find that an additional \$1,000 penalty is an appropriate incentive for the Company to ensure timely filings in the future.

### **ORDER**

THE COMMISSION ORDERS:

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

- 9 (1) Talton Communications, Inc.'s request for a hearing is DENIED.
- 10 (2) Talton Communications, Inc.'s contest of the violations is DENIED.
- 11 (3) Talton Communications, Inc.'s request for mitigation is DENIED.
- 12 (4) The \$1,000 penalty is due and payable no later than June 29, 2015.
- 13 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 June 18, 2015.

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.**