

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment
Against

TELTRUST CORPORATION

in the amount of \$1,000

DOCKET UT-160595

ORDER 01

ORDER DENYING MITIGATION

BACKGROUND

- 1 On February 29, 2016, 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 Monday, May 2, 2016, 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 Teltrust Corporation (Teltrust or Company) filed an incomplete annual report on May 3, 2016, and had not made a complete filing by May 16. On June 16, the Commission assessed a penalty of \$1,000 against Teltrust, calculated as \$100 per business day from May 2 to May 16. On June 21, Teltrust filed a complete annual report.
- 3 On June 29, 2016, Teltrust responded to the Commission's penalty assessment, admitting the violations and requesting mitigation based on the written information provided. In its response, the Company states, "we filled out the form incorrectly and was missing info. Was contacted by Amy Clark and I sent her what was missing. Please reconsider and allow us to pay the \$153 amount on the statement (regulatory fee)."
- 4 On July 12, 2016, Commission staff (Staff) filed a response and explained that the Company filed an incomplete annual report on May 3, 2016. That same day, Staff called Teltrust and left a message notifying the Company that its regulatory fee calculation sheet was incomplete.

On May 16, the Company filed a second report, also with an incomplete fee calculation sheet. On May 19, the Company provided additional information, but failed to complete its filing. The Company did not file a complete report until June 21.

- 5 Staff recommends the Commission deny the Company's request for mitigation because the Company received and paid \$100 and \$1,000 penalties for violations of WAC 480-120-382 in 2010 and 2014, respectively.

DISCUSSION

- 6 WAC 480-120-382 requires regulated telecommunications companies to file annual reports and pay regulatory fees by May 1 of each year, or the first business day thereafter. Companies are responsible for complying with their legal obligations, and the Company should have ensured that its complete report was filed by the deadline.

- 7 We agree with Staff and deny the Company's request for mitigation. The Commission may consider a number of factors when entertaining a request for mitigation, including whether the violation was promptly corrected, a company's history of compliance, and the likelihood the violation will recur.¹ Ultimately, the Commission's goal is to gain compliance going forward. Here, the Company has a history of non-compliance; it received and paid penalties of \$100 in 2010 and \$1,000 in 2014. Moreover, the Company has not presented any new or compelling information that would warrant a penalty reduction. Accordingly, we find the \$1,000 penalty to be an appropriate incentive for the Company to ensure timely filings going forward.

ORDER

THE COMMISSION ORDERS:

- 8 (1) Teltrust Corporation's request for mitigation of the \$1,000 penalty is DENIED.
- 9 (2) The \$1,000 penalty is due and payable no later than August 16, 2016.

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

10 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 2, 2016.

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.