

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment Against	DOCKET UT-160597
TOLY DIGITAL NETWORKS, INC.	ORDER 01
in the amount of \$1,000	ORDER GRANTING MITIGATION TO \$250

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 Toly Digital Networks, Inc. (Toly or Company) filed an incomplete annual report on May 2, 2016, and had not made a complete filing by May 16. On June 16, the Commission assessed a penalty of \$1,000 against Toly, calculated as \$100 per business day from May 2 to May 16.
- 3 On June 20, 2016, Toly filed a complete annual report.
- 4 On July 18, 2016, Toly responded to the Commission's penalty assessment, admitting the violations and requesting mitigation based on the information provided. The Company failed to provide a written explanation as required.
- 5 On July 27, 2016, Commission staff (Staff) filed a response recommending a penalty reduction to \$25 per day, or \$250, because the Company became regulated in 2015 and therefore has no prior violations of WAC 480-120-382.

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 its annual report was complete when originally filed.

- 7 The Commission nevertheless agrees with Staff's recommendation. 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 Here, Toly has since corrected the violations by filing a complete annual report. Although the Company has a relatively brief history of compliance, we have routinely granted mitigation for first-time violations. Accordingly, the Commission will exercise its discretion to reduce the penalty to \$250.

ORDER

THE COMMISSION ORDERS:

- 8 (1) Toly Digital Networks, Inc.'s request for mitigation of the \$1,000 penalty is GRANTED in part, and the penalty is reduced to \$250.
- 9 (2) The \$250 penalty is due and payable no later than August 26, 2016.
- 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 12, 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.

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