



STATE OF WASHINGTON

UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250

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July 21, 2016

Steven V. King, Executive Director and Secretary
Utilities and Transportation Commission
1300 S. Evergreen Park Dr. SW
P.O. Box 47250
Olympia, WA 98504-7250

RE: *Washington Utilities and Transportation Commission v. Fairhaven Light & Ether LLC*

Commission Staff's Response to Application for Mitigation of Penalties UT-160555

Dear Mr. King:

On June 14, 2016, the Utilities and Transportation Commission issued a \$1,000 Penalty Assessment in Docket UT-160555 against Fairhaven Light & Ether LLC for ten violations of Washington Administrative Code (WAC 480-120-382), which requires telecommunications companies to furnish annual reports, supporting documentation and the regulatory fee to the commission no later than May 1 each year, or in this case, May 2 as May 1 was a Sunday.

On July 6, 2016, DCT Fairhaven Light & Ether LLC wrote the commission requesting mitigation of penalties. In its mitigation request, Fairhaven Light & Ether LLC does not dispute the violation occurred. The company states, "...we recently acquired Fairhaven Light and Ether, LLC last year and were not aware of needing to file with the UTC. We have had several issues with the transition of the previous ownership to us: Change of address – for a while we did not have access to the current PO Box and were not receiving all correspondents meant for us. General training – unfortunately no training as to what has been needed in terms of filing has not been provided so we are playing catch up. Understanding – we had no idea that Fairhaven Light and Ether, LLC was registered with the UTC given that Fairhaven Light and Ether, LLC provides no VOIP or Phone services. We understand that we are in error on not filing a timely report and are asking the commission for grace." Fairhaven Light & Ether LLC provided documentation showing the sale of the company.

It is the company's responsibility to ensure that the regulatory fee is paid and the annual report is filed by the May 1 deadline. On February 29, 2016, Annual Report packets were mailed to all regulated telecommunications companies. The instructions page along with Schedule 1, Part A informs the regulated company that it must complete the annual report form, provide the

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supporting financial reporting documents and pay the regulatory fees, and return the materials by May 2, 2016, to avoid enforcement action.

On July 6, 2016, Fairhaven Light & Ether LLC filed a complete 2015 annual report and paid the regulatory fee of \$150.

Fairhaven Light & Ether LLC has been active since 2010. The prior owner filed the 2014 annual report late and paid the associated penalty in full. In light of the ownership transfer in 2015, staff recommends that the penalty be reduced to \$25 per day for a total penalty assessment of \$250.

If you have any questions regarding this recommendation, please contact Sean Bennett, Regulatory Analyst, at (360) 664-1157, or sbennett@utc.wa.gov.

Sincerely,



Sondra Walsh, Director
Administrative Services