

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment Against	DOCKET UT-160566
ISO FUSION TELECOMMUNICATIONS, LLC	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 Isofusion Telecommunications, LLC (Isofusion or Company) did not file its annual report on May 2, 2016, and had not made that filing by May 16. On June 14, the Commission assessed a penalty of \$1,000 against Isofusion, calculated as \$100 per business day from May 2 to May 16.
- 3 On June 21, 2016, Isofusion responded to the Commission's penalty assessment, admitting the violations and requesting mitigation based on the written information provided. The Company explained that it overlooked the filing requirement, and provided assurances that it will comply with Commission rules going forward. That same day, Isofusion filed its 2015 annual report and paid its regulatory fee.
- 4 On June 28, 2016, Commission staff (Staff) filed a response recommending a penalty reduction to \$25 per day, or \$250, 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, 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 timely filed.

- 6 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.<sup>1</sup> Here, Isofusion has since corrected the violation by filing its annual report and paying its regulatory fee. In addition, this is the Company's first violation of WAC 480-120-382 since it became regulated in 2014. Although the Company has a relatively brief history of compliance, we have routinely granted mitigation for first time violations. In light of these factors, the Commission will exercise its discretion to reduce the penalty to \$250.

**ORDER**

**THE COMMISSION ORDERS:**

- 7 (1) Isofusion Telecommunications, LLC's request for mitigation of the \$1,000 penalty is GRANTED in part, and the penalty is reduced to \$250.
- 8 (2) The \$250 penalty is due and payable no later than July 19, 2016.
- 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 July 5, 2016.

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

**STEVEN V. KING**  
Executive Director and Secretary

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

**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.**