

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment) DOCKET UT-150825
Against)
) ORDER 01
INTERNATIONAL TELCOM, LTD.)
) ORDER GRANTING
in the amount of \$300) MITIGATION TO \$150
.....)

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 International Telcom, Ltd. (International Telcom or Company) filed an incomplete annual report on May 5, 2015, then filed a corrected report on May 6. On June 3, the Commission assessed a penalty of \$300 against International Telcom, calculated as \$100 per business day from May 1 to May 6.
- 3 On June 8, 2015, International Telcom responded to the Commission’s penalty assessment, admitting the violations and requesting mitigation based on the written information provided. The Company explained that it believed its annual report need only be postmarked, not received, by May 1.
- 4 On June 17, 2015, Commission staff (Staff) filed a response recommending a penalty reduction to \$50 per day, or \$150. Although the Company received and paid penalties for violations of WAC 480-120-382 in 2001 and 2004, Staff supports a reduced penalty based on the Company’s recent history of compliance.

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 ensured its 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 a company's history of compliance and the likelihood the violation will recur.¹ This is International Telcom's first violation of WAC 480-15-480 in 11 years. Given the Company's recent history of compliance, the violations are not likely to recur. Accordingly, the Commission will exercise its discretion to reduce the penalty to \$150.

ORDER

THE COMMISSION ORDERS:

- 7 (1) International Telcom, Ltd.'s request for mitigation of the \$300 penalty is GRANTED in part, and the penalty is reduced to \$150.
- 8 (2) The \$150 penalty is due and payable no later than July 21, 2015.
- 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 9, 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.

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