

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment)	DOCKET UT-150826
Against)	
)	ORDER 01
IPDATASTREAM, LLC)	
)	ORDER DENYING MITIGATION
in the amount of \$500)	
.....)	

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 IPDATASTREAM, LLC (IPDATASTREAM or Company) filed an incomplete annual report on April 30, 2015, and had not made a complete filing by May 15. On June 3, the Commission assessed a penalty of \$1,000 against IPDATASTREAM, calculated as \$100 per business day from May 1 to May 15.
- 3 On June 5, 2015, IPDATASTREAM filed a complete annual report. On June 8, the Company responded to the Commission’s penalty assessment, admitting the violations and requesting mitigation based on the written information provided. The Company explained that it did not receive Commission staff’s May 1 email regarding its missing financial statements. The Company also claimed that its financial statements were attached to the original filing.
- 4 On June 17, 2015, Commission staff (Staff) filed a response recommending the Commission deny the Company’s request for mitigation. Staff explained that the Company was previously delinquent in 2013, and was assessed a reduced penalty at that time. Staff further explained that the Company’s financial statements were not submitted with its original online filing; rather, the Company submitted its financial statements via email on June 5 from the same email address that Staff used on May 1 to notify the Company of its deficiency.

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 complete annual report was timely filed.
- 6 The Commission agrees with Staff's recommendation and denies the Company's request for mitigation. The Commission may consider a number of factors when entertaining a request for mitigation, including the company's compliance history and the likelihood the violation will recur.¹ Ultimately, the Commission's goal is to gain compliance going forward. Here, the IPDATASTREAM has a history of noncompliance; it received and paid a reduced penalty of \$425 in 2013. Accordingly, the violations are likely to recur absent an escalated penalty. The Commission finds the penalty amount to be a reasonable deterrent to overlooking future filing deadlines and requirements.

ORDER

THE COMMISSION ORDERS:

- 7 (1) IPDATASTREAM, LLC's request for mitigation of the \$1,000 penalty is DENIED.
- 8 (2) The \$1,000 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).