

BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

In re Penalty Assessment No.)	DOCKET NO. UT-051697
UT-051697)	
)	ORDER NO. 01
ADVANTAGE)	
TELECOMMUNICATIONS)	ORDER GRANTING MITIGATION
CORPORATION)	
.....)	

1 On December 6, 2005, The Washington Utilities and Transportation Commission (Commission) assessed a penalty in the amount of \$100 against Advantage Telecommunications Corporation (Advantage) for failure to timely submit its annual report to the Commission as required by WAC 480-120-382, which requires competitively classified telephone companies to file an annual report by May 1 of each year.¹

2 As of May 1, 2005, the Commission had not received Advantage’s annual report. The Commission sent Advantage a delinquency letter on June 3, 2005. The letter informed Advantage that Staff intended to recommend enforcement action, including possible penalties and/or suspension or revocation of authority, if the company failed to file its annual report and regulatory fee by July 1, 2005.

3 The Commission received the regulatory fee of Advantage Telecommunications Corporation on July 11, 2005.

¹ The Commission sent each telephone company subject to regulation by the Commission a notice on March 9, 2005, with annual report forms attached, to remind companies of their obligation to file by May 1.

- 4 On January 4, 2006, Advantage Communications filed a timely petition for mitigation of the penalty assessment. The petition does not seek a hearing and does not request a hearing to contest the factual basis of the penalties. The Company states that it filed its 2004 annual report on time along with its regulatory fee.
- 5 On January 19, 2006, Commission Staff responded to Advantage's Application for Mitigation, recommending that the violation be fully mitigated. The Staff response indicates it has found that the Company did file its 2004 annual report on time and that the penalty was assessed in error.
- 6 The Commission finds that it erroneously issued this penalty assessment against Advantage Communications Corporation. The Commission regrets this error and the inconvenience it has caused Advantage Communications Corporation. The Commission concludes it should rescind the penalty assessment and fully mitigate the penalty assessed.

ORDER

- 7 The Commission grants the Application for Mitigation of Penalties of Advantage Telecommunications Corporation.
- 8 In doing so, the Commission rescinds the penalty assessment and mitigates to zero the penalty assessed.

DATED at Olympia, Washington, and effective this 25th day of January, 2006

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK H. SIDRAN, Chairman

PATRICK J. OSHIE, Commissioner

PHILIP B. JONES, Commissioner

NOTICE TO PARTIES: This is a final order of the Commission. In addition to judicial review, administrative relief may be available through a petition for reconsideration, filed within 10 days of the service of this order pursuant to RCW 34.05.470 and WAC 480-07-850, or a petition for rehearing pursuant to RCW 80.04.200 or RCW 81.04.200 and WAC 480-07-870.