

- 5 Staff further stated that Xtension's mailing received July 18, 2007, included Xtension's request for mitigation, Xtension's 2006 annual report, and a check (number 4823) dated July 17, 2007, in the amount of \$128.51 for Xtension's regulatory fee payment. The amount did not include monies for the two percent late payment penalty or the one percent interest fee for each delinquent month. Staff opposed mitigation of the penalty.
- 6 **Commission Decision:** The Commission denies the petition. According to WAC 480-120-382(1), a competitively classified telephone company must submit its annual report and pay its regulatory fee no later than May 1 of each year. Neither Xtension's documents filed in support of its petition for mitigation nor its actions support the conclusion that Xtension submitted its 2006 annual report in a timely manner. The shipping label provided by Xtension does demonstrate that certain documents were mailed from Telecom Professionals on April 21, 2007. The addressor's designation of "Sent by (Name/Dept)" specifies "XTEN, WDT, OSC, ATG, Treshold." Presumably, the first designation of XTEN refers to Xtension. While the handwritten notation "XTEN" is entered on the line above all other addressors and could have been added after the notation of all other addressors, appears to be in different handwriting, and appears to be drafted with a different type of pen, the Commission need not place any significance to these facts. The shipping label does not (and cannot) demonstrate the contents of the mailing. The Commission's records provide independent verification of the contents of the April mailing and demonstrate that annual reports and accompanying regulatory fee payments (if required) were received on April 24, 2007, for each and every addressor listed on the shipping label except Xtension.
- 7 Moreover, Xtension's actions demonstrate that the 2006 annual report was filed on July 18, 2007, not April 24, 2007. In conjunction with its petition for mitigation, Xtension included its 2006 annual report and a check dated July 17, 2007, for its regulatory fee payment. Had Xtension already mailed its annual report and regulatory fees in April 2007, it would have been unnecessary to duplicate the annual report filing and regulatory fee payment in July 2007. Accordingly, the request for penalty mitigation is denied.

8 The Commissioners have delegated authority to the Executive Secretary to enter this
Order pursuant to RCW 80.01.030 and WAC 480-07-905(1)(h).

9 It is so ordered.

DATED at Olympia, Washington, and effective July 30, 2007.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN
Executive Secretary

NOTICE TO PARTIES: This is an order delegated to the Executive Secretary for decision. In addition to serving you a copy of the decision, the Commission will post on its Internet Web site for at least 14 days a listing of all matters delegated to the Executive Secretary for decision. You may seek Commission review of this decision. You must file a request for Commission review of this order no later than fourteen (14) days after the date the decision is posted on the Commission's Web site. The Commission will schedule your request for review for consideration at a regularly scheduled open meeting. The Commission will notify you of the time and place of the open meeting at which the Commission will review the order.

The Commission will grant a late-filed request for review only on a showing of good cause, including a satisfactory explanation of why the person did not timely file the request. A form for late-filed requests is available on the Commission's Web site.

This notice and review process is pursuant to the provisions of RCW 80.01.030 and WAC 480-07-904(2) and (3).