

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Penalty Assessment)	DOCKET UT-081112
Against)	
)	ORDER 01
FRANCE TELECOM CORPORATE)	
SOLUTIONS L.L.C.,)	
)	ORDER DENYING APPLICATION
In the amount of \$100.)	FOR MITIGATION
)	
.....)	

1 **Penalty:** On July 3, 2008, the Washington Utilities and Transportation Commission (Commission) assessed a penalty of \$100 against France Telecom Corporate Solutions L.L.C. (France Telecom) for a violation of WAC 480-120-382, which requires competitively classified telecommunications companies to file annual reports with the Commission by May 1 of each year. The Commission received France Telecom’s completed but unsigned annual report on June 3, 2008. The Commission did not receive the signed annual report until July 15, 2008.

2 **Application for Mitigation:** France Telecom filed an Application for Mitigation on July 10, 2008, and waived a hearing. France Telecom claims that it did not receive the annual report delinquency letter dated May 15, 2008 (delinquency letter), because the United States Postal Service wrongly forwarded the company’s mail to an address in Washington, D.C. France Telecom asserts that it submitted the completed annual report to the Commission as soon as the delinquency letter was re-routed to the company.

3 **Answer:** On July 18, 2008, Commission Staff filed its Response Opposing the Application for Mitigation. Staff states that the annual report packet was mailed to France Telecom on February 29, 2008, and the reminder notice was mailed to France Telecom on April 1, 2008. The Commission sent the annual report packet, the reminder notice, and the delinquency letter to the same address. While France Telecom asserts that the delinquency letter was incorrectly forwarded to the wrong address, Staff argues that the company gives no indication that the annual report packet or the reminder notice were misdirected.

4 Staff asserts that France Telecom did not request an extension of the May 1, 2008, deadline. Furthermore, Staff notes that the Commission did not receive a signed copy of the company's annual report until July 15, 2008.

5 **Commission Decision:** WAC 480-120-382 provides that competitive telecommunications companies are to file their annual reports with the Commission by May 1 each year. Nowhere in its application for mitigation does France Telecom deny knowledge of the May 1st annual report deadline. Instead, the company informed the Commission in a June 3, 2008, email to a compliance investigator that “we file annual returns in all 50 states & the District of Columbia and they all seem to be due within a two month period.”¹ France Telecom further asserted that, “[s]ince our 2007 [i]ntrastate revenues for Washington were below the \$20K threshold for incurring a fee I didn't give it the highest priority.”²

6 France Telecom appears to be aware of the May 1 filing deadline, yet chose to give the Washington report a lower priority. The company's argument regarding why it failed to timely respond to the May 15, 2008, delinquency letter, does not reasonably explain why it did not meet the original May 1, 2008, deadline. In addition, the company did not file a fully compliant copy of the annual report until July 15. As a result, the Commission determines the violation occurred and the penalty is appropriate. The Commission will grant applications for mitigation when good cause exists. However, the company's explanation here does not qualify as good cause for failing to timely file the report.

7 The Commissioners have delegated authority to the Secretary to enter this Order pursuant to RCW 80.01.030 and WAC 480-07-904(1)(h).

¹ Email from Joe Topel, Regulatory Manager, France Telecom Corporate Solutions L.L.C. to Sheri Hoyt, Compliance Investigator, Washington Utilities and Transportation Commission, June 3, 2008.

² *Id.*

8 France Telecom's Application for Mitigation is denied.

DATED at Olympia, Washington, and effective July 30, 2008.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER
Executive Director and Secretary

NOTICE TO PARTIES: This is an order delegated to the 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).