

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Petitioner,

v.

ACCESSLINE COMMUNICATIONS
CORPORATION; ACCUTEL
COMMUNICATIONS, INC.; ACTEL
INTEGRATED COMMUNICATONS,
INC.; ADVANCED
TELECOMMUNICATIONS NETWORK,
INC.; AMERICAN TEL GROUP, INC;
AMERICAN TELECOMMUNICATIONS
ENT., INC.; APOLLO TELECOM
NETWORK, INC.; ATLANTA NEW
YORK WAREHOUSE OUTLETS, INC.;
ATLANTIC TELEPHONE COMPANY,
INC.; ATLAS EQUITY, INC. d/b/a
PERFORMANCE TELECOM; BRENTTEL
COMMUNICATIONS; BRITTAN
COMMUNICATIONS INTERNATIONAL
CORPORATION; CARIBBEAN
TELEPHONE AND TELEGRAPH; CASH
BACK REBATES LD.COM, INC;
COINTEL, INC; COLORADO RIVER
COMMUNICATIONS CORPORATION;
COM TECH INTERNATIONAL
CORPORATION; COMPLUS, LLC;
CORPORATE SERVICES TELCOM, INC.;
COVENANT DEVELOPMENT
CORPORATION; CP NW 1, LLC; CSI
PAY TELEPHONE INVESTORS, LP;
CYBER SENTRY, INC.; DELTA PATCO;
DIALTEK, LLC; DIRECT CONNECT
COMMUNICATIONS, INC.; DISCOUNT
CALL RATING, INC.; DIVERSIFIED
SERVICE COMPANY; EAGLE
TELECOM, INC.;

DOCKET NO. UT-010785

COMPLAINT AND NOTICE OF
PREHEARING CONFERENCE
(July 15, 2002, at 11:00 a.m.)

ECI COMMUNICATIONS, INC.; ECLIPSE COMMUNICATIONS CORPORATION; ELIAS VENTURES, INC.; ESSENTIAL.COM, INC.; FAXNET CORPORATION; FONOROLA CORPORATION; FUTURE TELEPHONE COMMUNICATIONS; GLOBAL TELELINK SERVICES, INC.; GLOBAL TELEPHONE CORPORATION; GOLD TEL CORPORATON; GREAT WEST SERVICES, LTD.; HI-RIM COMMUNICATIONS, INC.; IDEALDIAL CORPORATION; INACOM COMMUNICATIONS, INC.; INET INTERACTIVE NETWORK SYSTEM, INC.; INTEGRATED TELETECHNOLOGIES, INC.; INTELICOM INTERNATIONAL CORPORATON; INTER-TEL NET SOLUTIONS, INC.; INTERNATIONAL TELE-SERVICE, INC.; INTERNET TELEPHONE COMPANY; IPVOICE COMMUNICATIONS, INC.; J D SERVICES, INC.; PHONE CONNECTION; JUNG SOO KWAK TELEPHONE; LAWRENCE SMITH, INC.; LEAST COST ROUTING, INC.; LEGENDS COMMUNICATIONS, INC.; LONG DISTANCE AMERICA, INC.; LONG DISTANCE DIRECT HOLDINGS; MAXTEL USA, INC.; MAXXIS COMMUICATIONS, INC.; CRESCENT MOON ENTERPRISES; METROLINK COMMUNICATONS, INC., METROMEDIA COMMUNICATIONS CORPORATION; MINIMUM RATE PRICING, INC.; NET-TEL CORPORATON; NET.WORLD, INC.; NETEL, INC.; NEW MILLENIUM CONQUEST SERVICE CORP.; NOVA TELECOM, INC.; OVERLOOK COMMUNICATIONS INTERNATIONAL; OZARK TELECOM, INC.; PACIFIC FIBER LINK, LLC; PDGT.COM, INC.;

PHONES "R" US; PNV.NET, INC.;
POLAR COMMUNICATIONS
CORPORATION; PRIDE AMERICA,
INC.; PRO PLUS COMMUNICATIONS
CORP.; QUANTUM
COMMUNICATIONS; QUEST
TELECOMMUNICATIONS, INC.; RAPID
LINK USA, INC.; REFLEX
COMMUNICATIONS, INC.; ROBERT
PAYNE CORPORATION; ROCKY
MOUNTAIN BROADBAND, INC.; S.V.V.
SALES d/b/a ARCADA
COMMUNICATIONS; SATLINK3000,
INC.; SBR, INC.; SERVISENSE.COM,
INC.; SOUTHNET TELECOMM
SERVICES, INC.; SOUTHWEST PAY
TELEPHONE CORPORATION;
STARCOM SERVICE CORPORATION;
STARLINK COMMUNICATIONS, LLC;
STARTEC, INC.; STELLAR
TELECOMMUNICATIONS SERVICES,
INC.; STORMTEL, INC.; SUE DAVIS
PAYPHONES; TACOMA TELEPHONE
EXCHANGE, INC.; TELEDIAL
AMERICA, INC.; TELEMAGEMENT
SERVICES, INC.; TELERA
COMMUNICATIONS, INC.; TELICOR,
INC.; TELINK, INC.; TELNET
COMMUNICATONS, INC.; TELSCAPE,
USA, INC.; TELSTAR INCORPORATED;
TELTRUST TELECOMMUNICATIONS,
INC.; THE WILLIAMS GROUP, INC.;
TRADEX INTERNATIONAL, INC.; TTI
TELECOMMUNICATIONS; U.S.
NETWORK SERVICES, INC.; U.S.
SOUTH COMMUNICATIONS, INC.;
UNICOMM; UNITED NATIVE
AMERICAN TELECOMMUNICATIONS;
USA TELE CORPORATION; VALUE
TEL, INC.; VISTA GROUP
INTERNATIONAL, INC.; WATS
INTERNATIONAL CORPORATION;
WATS/800, INC. d/b/a INFORMATION &
TELEPHONE SERVICES;

WESTERN COMMUNICATIONS
NETWORK; WINSTAR WIRELESS, INC.;
WORLD TELECOM GROUP, INC.;
WORLDTOUCH COMMUNICATIONS,
INC.; XTRACOM, INC.,

Respondents.

1 The Washington Utilities and Transportation Commission (“Commission”) on its
own motion, based on representations of Commission Staff (“Staff”), reasonably
believes and, therefore, alleges as follows:

I. PARTIES

2 The Commission is an agency of the State of Washington, vested by statute with
authority to regulate rates, rules, regulations, practices, and accounts of public service
companies, including telecommunications companies, pursuant to Chapter 80.01
RCW and RCW 80.36.080.

3 The companies listed in Attachment A are telecommunications companies subject to
regulation by the Commission pursuant to RCW 80.01.040(3).

II. JURISDICTION

4 The Commission has jurisdiction over this matter pursuant to chapter 34.05 RCW,
RCW 80.01.040, RCW 80.04.080, RCW 80.04.110, RCW 80.24.010, RCW
80.36.080, RCW 80.36.350, chapter 480-09 WAC, WAC 480-120-028, WAC 480-
120-033, and WAC 480-121-060.

III. FACTUAL ALLEGATIONS

5 Each company listed in Attachment A to this complaint is a telecommunications
company authorized to provide telecommunications service in the State of
Washington.

6 Each company listed in Attachment A to this complaint is subject to regulation under
the provisions of Title 80 RCW.

7 The Commission distributes annual report and regulatory fee form to all registered
telecommunications companies by mail to the most recent address provided by each
company. Forms are also available on the Commission’s Internet web site:
<http://www.wutc.wa.gov>.

- 8 The Commission's Records Center retains copies of each annual report filed at the Commission. Commission Staff conducted a search of the Records Center files to identify those companies that failed to submit annual reports. Attachment B to this complaint lists companies that were registered and failed to timely file an annual report at least once since 1997, and specifically identifies each year that each companies' reports have not yet been filed.
- 9 The Commission's Financial Services office maintains payment records for regulatory fees. Staff conducted a search of the Commission's financial services files to identify those companies that have failed to timely submit regulatory fees. Attachment C to this complaint lists companies that were registered and failed to timely pay regulatory fees at least once since 1997, and specifically identifies each year that each companies' regulatory fees have not yet been paid.

IV. FIRST CLAIM FOR RELIEF

(Violation of RCW 80.04.080 and WAC 480-120-033)

- 10 The Commission, through its Staff, realleges paragraphs 2 through 9.
- 11 Under RCW 80.04.080, every public service company is required to file an annual report with the Commission. Under WAC 480-120-033, the annual report must be filed by May 1 of each year.
- 12 The companies listed in Appendix B to this complaint violated RCW 80.04.080 and WAC 480-120-033 by failing to submit annual reports.

V. SECOND CLAIM FOR RELIEF

(Violation of RCW 80.24.010 and WAC 480-120-033)

- 13 The Commission, through its Staff, realleges paragraphs 2 through 9.
- 14 Under RCW 80.24.010, every public service company is required to file with the Commission a statement showing its gross operating revenue from intrastate operations for the preceding calendar year. The companies are required to pay a fee equal to one-tenth of one percent of the first fifty thousand dollars of gross operating revenue, plus two-tenths of one percent of any gross operating revenue in excess of fifty thousand dollars.
- 15 Under WAC 480-120-033, the regulatory fees are due by May 1 of each year.
- 16 The companies listed in Appendix C to this complaint violated RCW 80.24.010 and WAC 480-120-033 by failing to pay regulatory fees.

VI. THIRD CLAIM FOR RELIEF
(Revocation as authorized by WAC 480-121-060)

- 17 The Commission, through its Staff, realleges paragraphs 2 through 9.
- 18 Under WAC 480-121-060, the Commission may revoke a registration, after notice and opportunity for a hearing, for good cause. Good cause includes failure to file an annual report and failure to pay regulatory fees.
- 19 Because the companies listed in Appendix B to this complaint failed to file an annual report, good cause exists to revoke each company's registration as a telecommunications company.
- 20 Because the companies listed in Appendix C to this complaint failed to pay regulatory fees, good cause exists to revoke each company's registration as a telecommunications company.
- 21 THEREFORE, the Commission enters into a full and complete investigation into the matters alleged and will commence an adjudicative proceeding pursuant to chapter 34.05 RCW and chapter 480-09 WAC for the purposes of:
- (1) Determining whether the companies listed in Appendix A to this complaint violated the statutes set forth in the allegations above;
 - (2) Determining whether the Commission should impose penalties in an amount to be proved at hearing against the companies listed in Appendix A to this complaint;
 - (3) Making any other determination and entering such orders as may be just and reasonable.
- 22 To avoid administrative action, a company may voluntarily withdraw its registration. Once registration is withdrawn, the company must cease providing service in the State of Washington. Attached to this notice is a form to request a voluntary withdrawal of registration. Companies wishing to voluntarily withdraw their registrations must submit the request no later than July 10, 2002.
- 23 Companies may avoid action under WAC 480-121-060, and remain able to provide telecommunication services in the state of Washington by submitting all delinquent annual reports for the years identified in Appendix B and paying all delinquent regulatory fees (including fees, penalties, and interest) for the years identified in Appendix C. The reports must be filed and the fees must be paid no later than July

10, 2002. If you have any questions regarding your obligation to file reports and pay fees, you may contact Robert Johnston, Commission business practices investigator, at (360) 664-1235. Submit reports and payments to:

Washington Utilities & Transportation Commission
1300 S Evergreen Park Drive SW
P.O. Box 47250
Olympia, WA 98504-7250

- 24 Compliance with all delinquent requirements or voluntarily withdrawal on or before July 10, 2002, will result in dismissal from this action.

NOTICE OF PREHEARING CONFERENCE

- 25 Hearing in this matter is being held pursuant to Part IV of chapter 34.05 RCW pertaining to adjudicative proceedings and RCW 80.04.110 and RCW 80.04.120. The Commission has jurisdiction over this matter under Title 80 RCW, having legal authority to regulate the rates, practices, and services of telecommunications companies. Statutes involved include, but are not limited to, those within chapter 80.04 RCW, chapter 80.24 RCW, and chapter 80.36 RCW, particularly RCW 80.04.080, RCW 80.24.010, RCW 80.36.080, and RCW 80.36.350. Rules involved include, but are not limited to, those within chapter 480-09 WAC, chapter 480-120 WAC, and chapter 480-121 WAC, particularly WAC 480-120-028, WAC 480-120-033, and WAC 480-121-060. The ultimate issues are as stated in the above complaint.
- 26 **NOTICE IS HEREBY GIVEN that a prehearing conference in this matter will be held on July 15, 2002, at 11:00 a.m., in Room 105, Commission Headquarters, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.** The purpose of the prehearing conference is to consider formulating the issues in the proceeding, and to determine other matters to aid in its disposition, as specified in WAC 480-09-460. Petitions to intervene should be made in writing prior to that date or made orally at that time. Appearances will be taken.
- 27 If any party or witness needs an interpreter or other assistance, please fill out the form attached to this notice and return it to the Commission.
- 28 **NOTICE IS FURTHER GIVEN THAT ANY PARTY WHO FAILS TO ATTEND OR PARTICIPATE IN THE HEARING SET HEREIN, OR OTHER STAGE OF THIS PROCEEDING, MAY BE HELD IN DEFAULT IN ACCORDANCE WITH THE TERMS OF RCW 34.05.440. THE PARTIES ARE FURTHER ADVISED THAT THE SANCTION PROVISIONS OF WAC 480-09-700(4) ARE SPECIFICALLY INVOKED.**

29 Lawrence J. Berg has been assigned as the Administrative Law Judge from the Utilities and Transportation Commission's Administrative Law Division, 1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504-7250, and will preside at the prehearing conference.

30 The names and addresses of all parties and their know representatives are as follows:

Complainant: Washington Utilities and
Transportation Commission
1300 S. Evergreen Park Drive S.W.
Olympia, WA 98504-7250
(360) 664-1160

Representative: Lisa Watson
Assistant Attorney General
1400 S. Evergreen Park Drive S.W.
Olympia, WA 98504-0128
(360) 664-1186

Respondents: See Attachment A

31 Notice of any other procedural phase will be given in writing or on the record as the Commission may deem appropriate during the course of this proceeding.

DATED at Olympia, Washington, and effective this 13th day of June, 2002.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN
Executive Secretary

Inquiries may be addressed to:

Executive Secretary
Washington Utilities and
Transportation Commission
Chandler Plaza Building
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

NOTICE

PLEASE NOTE: The hearing facilities are accessible to interested people with disabilities; that smoking is prohibited; and if limited English-speaking or hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

The information needed to provide an appropriate interpreter or other assistance should be stated below and returned to Washington Utilities and Transportation Commission, Attention: Carole J. Washburn, 1300 S. Evergreen Park Drive SW, P. O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket No.: _____

Case Name: _____

Hearing Date: _____ Hearing Location: _____

Primary Language: _____

Hearing Impaired (Yes) _____ (No) _____

Do you need a certified sign language interpreter:

Visual _____ Tactile _____

Other type of assistance needed: _____

English-speaking person who can be contacted if there are questions:

Name: _____

Address: _____

Phone No.: (____) _____