

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of PENALTY
ASSESSMENT AGAINST Maskina
Communications, Inc. f/k/a Transcom
Communications, Inc., in the amount of
\$100.00

DOCKET NO. UT-051707

DECLARATION OF
SHERI HOYT

SHERI HOYT, under penalty of perjury under the laws of the state of Washington, declares as follows:

1. I am over 18 years of age, a citizen of the United States, a resident of the state of Washington, and competent to be a witness.
2. I am employed by the Washington Utilities and Transportation Commission (Commission) as a Compliance Specialist in the Business Practices Investigations Section. I have been employed at the Commission for over 13 years, holding various positions. As a Compliance Specialist, my responsibilities include conducting investigations regarding the business practices of regulated utility or transportation companies. As part of those duties, I investigate telecommunications companies that may be operating in violation of Commission statute, rule, or tariff.
3. On December 19, 2005, Maskina Communications, Inc. f/k/a Transcom Communications, Inc. (Maskina), filed with the Commission an Application for Mitigation of Penalties (Mitigation Request) in Docket No. UT-051707. I have read the Mitigation Request.
4. This Mitigation Request arises from a Notice of Penalties Incurred and Due for Violations of Laws, Rules and Regulations issued by the Commission on December 6, 2005, in Docket No. UT-051707. In that Notice, the Commission issued a penalty of \$100.00 for a violation of WAC 480-120-382 (the penalty assessment contained an error and referenced WAC 480-120-303, the previous statute for the rule).
5. Before recommending the Commission issue penalties, as part of my job, I conducted an investigation of the Commission's records pertaining to

Maskina. My investigation resulted in an investigation report titled, "Staff Investigation - Annual Report/Regulatory Fees". A true and accurate copy of that audit report is attached to this declaration as Attachment A.

6. I identified the violation in this case from records maintained by the Commission.

Specific Issues Addressed by Maskina in its Mitigation Request

Submitting Completed Report late on May 28, 2005

7. In its Mitigation Request, Maskina, on the issue of the company's failure to file the 2004 annual report by the due date of May 1, 2005, requests that the penalty be withdrawn and no enforcement enacted as "The 2004 Annual Report was completed late on 05/28/05 and submitted."
8. Maskina provided a copy of the completed 2004 annual report with a signature and date of May 28, 2005, with its Mitigation Request. Although the signature date does not prove when the Commission received the annual report, and although my review of the Commission's Annual Reports Tracking System (ARTS) indicates Maskina's 2004 annual report was received on September 26, 2005, I acknowledge that Maskina believes it filed the report on May 28, 2005. A copy of the first page of the report, showing the date stamp reflecting the date it was received by the Commission as well as the signature dated May 28, 2005, is attached as Attachment B. In recognition of the company's good faith belief, supported by the signature date on the annual report, and in the interest of efficiently resolving this dispute, I support mitigating this penalty.

Address Incorrect

9. In its Mitigation Request, Maskina, on the issue of the company's mailing address being incorrect, states that it "does not receive notices or other info in a timely manner".
10. My investigation revealed that, in March 2005, the Commission mailed 2004 Annual Report forms and 2005 Regulatory Fee packets to local and competitive telecommunications companies registered in Washington State. The address on file for then company name Transcom Communications, Inc., was 1925 West John Carpenter Fwy, Suite 500, Irving, TX 75063.

11. In addition, records show in June 2005, a delinquency letter was sent to each telecommunications company that had not filed an annual report by May 1, 2005. The letter stated that Staff intended to recommend enforcement action, including possible penalties and/or suspension or revocation of authority, for any company that failed to file a completed annual report by July 1, 2005. The address on file for then company name Transcom Communications, Inc., was 1925 West John Carpenter Fwy, Suite 500, Irving, TX 75063.
12. On October 11, 2005, after submitting the 2004 annual report, the Commission received notice that Transcom Communications, Inc., had changed its name to Maskina Communications, Inc. The notice also included information that the company's mailing address had changed to: 8445 Freeport Parkway, Suite 650, Irving, TX 75063. The name change was allowed to become effective per the No Action Agenda on November 10, 2005.
13. On December 6, 2005, Maskina Communications, Inc. f/k/a Transcom Communications, Inc., was mailed a NOTICE OF PENALTIES INCURRED AND DUE FOR VIOLATIONS OF LAWS RULES AND REGULATIONS. The Notice was mailed to the company's old address of 1925 West John Carpenter Fwy, Suite 500, Irving, TX 75063, in error. The company received and signed for the letter on December 12, 2005.
14. The error in the mailing address made on December 6, 2005, in no way impeded notices sent to Maskina in March and June, prior to the company notifying the Commission of a mailing address change. Commission records have been updated to reflect the company's current mailing address, so future notices will be mailed to the correct address.

DATED this 9th day of January 2006 at Olympia, Washington.

SHERI HOYT

Attachment A

Maskina Communications, Inc. f/k/a Transcom Communications, Inc. – UT-051707
Staff Investigation - Annual Report/Regulatory Fees
November 21, 2005

Purpose

The purpose of this investigation is to determine if Maskina Communications, Inc. f/k/a Transcom Communications, Inc. (Transcom), is in violation of WAC 480-120-303, which requires public service companies to furnish annual reports to the Commission no later than May 1 each year.

Background

This investigation was prompted by Staff's yearly review of annual reports for telecommunications companies registered in the state of Washington.

On March 9, 2005, the Commission mailed 2004 Annual Report forms and 2005 Regulatory Fee packets to local and competitive telecommunications companies registered in Washington State. A letter signed by Executive Secretary Carole Washburn instructed companies to file annual reports by May 1, 2005. Companies requesting an extension were asked to do so prior to May 1, providing a reason for the requested extension (Appendix A).

On June 3, 2005, a letter signed by Carole Washburn was sent to each telecommunications company that had not filed an annual report by May 1, 2005. The letter stated that Staff intended to recommend enforcement action, including possible penalties and/or suspension or revocation of authority, for any company that failed to file a completed annual report by July 1, 2005 (Appendix B).

Investigation

As of May 1, 2005, Transcom had not filed its 2004 annual report. On September 26, 2005, Transcom filed its 2004 annual report. No regulatory fees were due.

Recommendation:

Penalize Maskina Communications, Inc. f/k/a Transcom Communications, Inc., \$100.00 for one violation of WAC 480-120-303.

Appendix A



STATE OF WASHINGTON

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250
(360) 664-1160 • TTY (360) 586-8203

March 9, 2005

Subject: 2004 Annual Report/2005 Regulatory Fees

Enclosed is your 2004 Telecommunications Company annual report form. Every company subject to regulation by the Washington Utilities and Transportation Commission (Commission) must file an annual report. This annual report details gross intrastate operating revenue for the preceding calendar year. Regulatory fees based on that revenue are collected for the current year per RCW 80.24.010 and RCW 80.04.080. The regulatory fee order and annual report forms are available on the Commission's web site at www.wutc.wa.gov/telecom/annualreports. The Commission will also send a paper copy of the regulatory fee order and additional annual report forms upon request.

Companies must also provide an income statement and balance sheet as required by WAC 480-120-303 and WAC 480-120-304 with their annual report. You may access these rules on our web site at www.wutc.wa.gov.

If you choose to designate documents and seek protection of confidential information, ensure that you are in full compliance of WAC 480-07160(3), otherwise the annual report may be returned to the provider for correction and resubmission. A copy of this WAC is attached for your reference.

You must file your annual report and pay regulatory fees by May 1, 2005. Perfunctory extensions will not be granted. If you need an extension, please file prior to May 1, 2005, providing a reason for requesting an extension. In granting an extension, the Commission will consider whether application of the rule imposes undue hardship on the requesting person, different from hardships imposed on similarly situated persons per WAC 480-120-015.

Inquiries regarding annual reports should be directed to 360-664-1201 or annualreports@wutc.wa.gov.

It is the Commission's policy to provide equal access to its services. If you need special accommodations, please call 360-664-1133. TTY Toll Free 1-800-416-5289.

Sincerely,


Carole J. Washburn
Executive Secretary

Enclosures

Appendix B



STATE OF WASHINGTON

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250
(360) 664-1160 • TTY (360) 586-8203

June 3, 2005

Dear Registered Telecommunications Company:


Every Telecommunications Company subject to regulation by the Washington Utilities and Transportation Commission (Commission) is required by state law to file an annual report and pay regulatory fees by May 1st of each year. We mailed you the 2004 annual report form and 2005 regulatory fee calculation sheet on March 9, 2005. Our records indicate that you have not yet filed the completed annual report form and have not paid your regulatory fees for 2005.

You have already incurred a penalty of 2% of the total amount due for failure to pay your 2005 regulatory fees by May 1, 2005, and you will be charged interest at the rate of 1% per month on the delinquent balance until it is paid in full.

Commission staff also intends to recommend enforcement action, which may include penalties of up to \$100 per day and/or suspension or revocation of your authority to operate in Washington, against any telecommunications company that fails to file a completed annual report. In order to avoid this enforcement action, you must file your annual report as soon as possible, and no later than July 1, 2005.

Annual report forms are available on the Commission's web site at www.wutc.wa.gov. If you have questions or require additional information, please call (360) 664-1201 or e-mail us at annualreports@wutc.wa.gov.

Sincerely,


for Carole J. Washburn
Executive Secretary

Attachment B

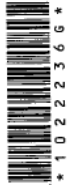
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**TELECOMMUNICATIONS COMPANIES
ANNUAL REPORT**

RECEIVED
DISTRIBUTION CENTER
2005 SEP 26 AM 8:28
STATE OF WASH.
WUTC

Transcom Communications, Inc. 1925 West John Carpenter Freeway Suite 540 Irving TX 75063
Full name and address of Company

ENTERED INTO COMPUTER SEP 30 2005
Correct name and address, if different than shown



**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
for the YEAR ENDED DECEMBER 31, 2004**

SECTION 1

* INQUIRIES CONCERNING THIS ANNUAL REPORT SHOULD BE ADDRESSED TO:

NAME: Maxine Paul/TCS	TITLE: Compliance Analyst
ADDRESS: 1720 Windward Concourse	Suite 250
CITY: Alpharetta	STATE: GA ZIP: 30005
TELEPHONE: 678-775-2252	FAX: 678-775-2249 E-MAIL: mpaul@tcsteam.com

The company must notify the Commission, in writing, of any changes to the above information.

SECTION 2

TYPE OF PAYMENT - DO NOT SEND CASH IN THE MAIL <input type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> AMEX <input type="checkbox"/> Visa <input type="checkbox"/> MasterCard	For Commission Use Only Credit Card Authorization #: _____
Credit Card Number: _____	Expiration Date Month/Year

CERTIFICATION: I, the undersigned, under penalty for false statement, certify that the information is true, valid and correct, that I am authorized to execute on behalf of the applicant, and that I agree to pay the above total amount according to card issuer agreement.

Name (Printed) <u>Jeff Becker</u>	Title <u>VP</u>
Signature <u>[Handwritten Signature]</u>	Date <u>5/29/05</u>

For Commission Use Only

Reception Number: _____	001-111-02-68-170-11: _____	Reference Number: _____
001-111-02-68-170-01: _____	001-111-02-68-032-05: _____	

Original to be mailed to the Washington Utilities and Transportation Commission, PO Box 47250, Olympia, WA 98504-7250
Web Site: www.wutc.wa.gov

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