

[Service Date August 16, 2007]

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

In the Matter of the Penalty Assessment)	DOCKET UT-071283
Against)	
)	ORDER 01
RIPPLE SERVICES,)	
)	
In the Amount of \$100.)	ORDER DENYING APPLICATION
)	FOR MITIGATION
.....)	

1 **Penalty:** On July 5, 2007, the Washington Utilities and Transportation Commission (Commission) assessed a penalty of \$100 against Ripple Services, Inc. (Ripple) for one violation of WAC 480-120-382, which requires competitive telecommunications companies to file annual reports with the Commission by May 1 of each year.

2 **Application for Mitigation:** Ripple filed an Application for Mitigation on July 25, 2007, and waived a hearing. Ripple claims that it has not been in business in Washington State and is not currently active. Ripple included with its application a check in payment of the \$100 penalty assessment, asserting “I will pay but do not understand this.” Ripple also requested that the Commission remove the company’s name from the list of competitive companies.

3 **Answer:** On August 14, 2007, Commission Staff filed its Response opposing the petition for mitigation. Staff states that on March 8, 2007, the Commission mailed 2006 Annual Report forms, along with a letter of instruction, to competitive telecommunications companies registered in Washington State. The Commission sent out a reminder notice to these companies on April 6, 2007. On May 15, 2007, the Commission gave the competitive telecommunications companies that had not yet filed annual reports an extension until May 31, 2007.

4 Staff clarifies that Ripple requested registration as a competitive telecommunications company in Washington on May 4, 2006, and that the registration was granted on October 4, 2006. Staff further states that Ripple requested voluntary cancellation of its registration on June 13, and the request was allowed to become effective on July 11. Staff asserts that the fact the company never actually conducted business in

Washington and then cancelled its registration does not retroactively eliminate its obligation as a registered company to file a 2006 annual report.

5 Because Ripple filed a mitigation request in addition to the \$100 payment, the Commission mailed a letter to Ripple asking a company representative to contact Staff to discuss the exact nature of Ripple's request. On August 6, 2007, Dixi Dougherty of Ripple left a voicemail message for Staff stating that she wanted to make sure that Ripple was inactive and no other bills would be received, and indicating that the company had intended to pay the \$100 penalty. That same day, Staff left Ms. Dougherty a voicemail message confirming that Ripple's registration was canceled and the company would no longer receive mailings from the Commission. Staff also asked Ms. Dougherty to provide a brief written response clarifying that it was not the company's intention to file an application for mitigation of the penalty amount. Staff has not received a written response; nor has Ms. Dougherty responded to Staff's phone messages. Finally, the Commission still has not received Ripple Services' 2006 annual report.

6 **Commission Decision:** Contrary to Ripple's assertions, Ripple was registered as a competitive telecommunications company in Washington on October 4, 2006, at the company's request. Ripple sought to cancel its registration on June 13 after receiving notice of the requirement to file an annual report for its 2006 operations. Whether or not the company actually conducted business in Washington state, Ripple was a registered company during calendar year 2006 and must file an annual report in compliance with WAC 480-120-382.

7 In addition, the Commission sent Ripple an annual report form on March 8, as well as a reminder notice on April 6 and a late notice on May 15, 2007. In the late notice, the Commission informed Ripple it could have additional time beyond what is statutorily required, until May 31, 2007, to file its annual report. Yet, the company continued in violation of WAC 480-120-382 by failing to file its 2006 annual report. Therefore, the Commission determines the violation occurred and the penalty is appropriate.

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 Ripple's Application for Mitigation is denied.

DATED at Olympia, Washington, and effective August 16, 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).