

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

In the Matter of the)	DOCKET NO. UT-061344
)	
Revocation of Telecommunications)	ORDER NO. 01
Registrations of the Companies Listed)	
on Attachment 1 for Failure to File)	ORDER REVOKING REGISTRATION
Annual Reports and Pay Regulatory)	AS A TELECOMMUNICATIONS
Fees)	COMPANY
)	
.....)	

1 ***Synopsis:** The Washington Utilities and Transportation Commission (commission) revokes the registrations of those telecommunications companies that failed to submit required reports and pay regulatory fees as required by RCW 80.04.080, RCW 80.24.010, and WAC 480-120-382 or WAC 480-120-385. A list of companies whose registrations the commission revokes is attached to this Order as Attachment 1.*

2 **Proceedings:** On August 29, 2006, the commission served upon certain telecommunications companies a notice of impending revocation of registration as a telecommunications company for failure to submit annual reports or pay regulatory fees, violations of RCW 80.04.080, RCW 80.24.010, and WAC 480-120-382 or WAC 480-120-385. The notice offered each respondent the opportunity to come into compliance and the opportunity to request a hearing. The notice was the result of commission staff's yearly review of annual reports and regulatory fees for telecommunications companies registered with the commission. The companies subject to the notice had the opportunity to respond within 30 days of service.

I. BACKGROUND

3 Commission staff conducted its yearly review of annual reports and regulatory fees for telecommunications companies registered with the commission, resulting in a list of companies out of compliance with regulatory requirements under RCW 80.04.080, RCW 80.24.010, and WAC 480-120-382 or WAC 480-120-385. The list included companies that failed to submit annual reports for 2005 and pay regulatory fees for 2006.

4 The commission served the Notice of Impending Revocation of Registration as a Telecommunications Company and Opportunity to Request a Hearing (Notice) upon the

noncomplying companies on August 29, 2006. The commission served the Notice upon the companies listed in Attachment A to that Notice by regular and certified mail. The Notice was sent to the address on file with the commission for each of the companies. The certified mailing included a request for a return receipt to show delivery was complete.

5 The companies were informed that they could avoid revocation by obtaining regulatory compliance or requesting a hearing. Regulatory compliance could be achieved by submitting the delinquent annual reports and regulatory fees. The companies were to respond to the Notice within 30 days of service, by September 28, 2006.

6 Two companies, Inmate Communications Corporation and LMDS Holdings, Inc.,¹ were included in the Notice in error. Inmate Communications Corporation came into compliance June 26, 2006, before the Notice issued, but commission records did not reflect the company's filing at the time of the Notice's issuance. Commission records have since been updated. LMDS Holdings, Inc., (now Nextlink Wireless, Inc.) is not required to file an annual report for 2005 operations because the company was not registered until January 8, 2006.

II. COMPANY RESPONSES TO NOTICE

7 Seventeen companies submitted the delinquent annual reports and paid the delinquent regulatory fees after the Notice was issued. No company requested a hearing.

8 The following companies filed delinquent annual reports and regulatory fees, thus achieving regulatory compliance:

- 1) AK Communications, Inc.
- 2) AmeriVision Communications, Inc., d/b/a Lifeline Communications; and d/b/a Affinity 4
- 3) Epixtar Communications Corp.
- 4) Global Grid Telecom, Inc.
- 5) Integrated Voice Services, Inc.
- 6) Network PTS, Inc.
- 7) NextNet Telecom, Inc.
- 8) Norstan Network Services, Inc.

¹ In Docket UT-060998, LMDS Holdings, Inc., changed the company name to Nextlink Wireless, Inc., effective June 24, 2006.

- 9) OnFiber Carrier Services, Inc.
- 10) Opcom, Inc., d/b/a WCS Telecom
- 11) Phonetec, LP
- 12) Quality Telephone, Inc.
- 13) Time Warner Telecom of Washington, LLC
- 14) T-Netix, Inc.
- 15) TON Services, Inc.
- 16) US Telecom, Inc., d/b/a Sprint Services
- 17) Western CLEC Corporation

III. DISCUSSION AND DECISION

9 The seventeen companies that obtained regulatory compliance by filing delinquent annual reports and regulatory fees will retain their registrations as telecommunications companies. In addition, the commission will not cancel the registrations of the two companies that were included erroneously in the Notice. The commission does not waive the right to impose penalties pursuant to RCW 80.04.405 on those companies that filed the annual report late.

10 All other companies listed in Attachment A to the Notice failed to respond to the Notice, either by coming into compliance or requesting a hearing on mitigation or on the validity of the allegations of violations. As such, the commission will find that the respondents failed to file required reports on their operations in Washington State or to pay regulatory fees. The commission will revoke the registrations of those companies pursuant to the Notice and WAC 480-121-060. A list of the companies whose registrations as telecommunications companies are revoked by this Order is attached as Attachment 1.

IV. FINDINGS OF FACT

11 Having discussed above all matters material to our decision, and having stated our general findings, the commission now makes the following summary findings of fact. Those portions of the preceding discussion that include findings pertaining to the ultimate facts of the commission are incorporated by this reference.

12 (1) The commission is an agency of the state of Washington vested by statute with the authority to regulate rates, rules, regulations, practices, and accounts of public service companies, including telecommunications companies.

- 13 (2) The companies listed in Attachment A to the Commission's Notice of Impending Revocation of Registration as a Telecommunications Company and Opportunity to Request a Hearing (Notice) are telecommunications companies.
- 14 (3) The commission served the Notice on August 29, 2006, upon the companies listed in Attachment A to that Notice.
- 15 (4) Seventeen companies obtained regulatory compliance. Those companies are (1) AK Communications, Inc.; (2) AmeriVision Communications, Inc., d/b/a Lifeline Communications; and d/b/a Affinity 4; (3) Epixtar Communications Corp.; (4) Global Grid Telecom, Inc.; (5) Integrated Voice Services, Inc.; (6) Network PTS, Inc.; (7) NextNet Telecom, Inc.; (8) Norstan Network Services, Inc.; (9) OnFiber Carrier Services, Inc.; (10) Opcom, Inc., d/b/a WCS Telecom; (11) Phonetec, LP; (12) Quality Telephone, Inc.; (13) Time Warner Telecom of Washington, LLC; (14) T-Netix, Inc.; (15) TON Services, Inc.; (16) US Telecom, Inc., d/b/a Sprint Services; and (17) Western CLEC Corporation.
- 16 (5) Two companies, Inmate Communications Corporation and LMDS Holdings, Inc., (now Nextlink Wireless, Inc.) were included in the Notice erroneously. Inmate Communications Corporation already had come into compliance when the Notice issued. LMDS Holdings, Inc., was not required to file an annual report because the company was not registered in 2005.
- 17 (6) The remaining companies failed to file an annual report, failed to pay regulatory fees, and failed to request a hearing to challenge cancellation of their registration to conduct business as telecommunications companies under the laws of the state of Washington.
- 18 (7) The companies listed in Attachment 1 to this order failed to file an annual report and failed to pay regulatory fees after the commission served the Notice. Attachment 1 is incorporated by this reference.

V. CONCLUSIONS OF LAW

- 19 Having discussed in detail all matters material to this decision, and having stated general conclusions, the commission now makes the following summary conclusions of law.

Those portions of the preceding discussion that state conclusions pertaining to the ultimate decisions of the commission are incorporated by this reference.

- 20 (1) The commission has jurisdiction over the subject matter of and the parties to this proceeding. *RCW 80.01.040; RCW 80.36; WAC 480-120; WAC 480-121.*
- 21 (2) The companies listed in Attachment A to the Commission's Notice of Impending Revocation of Registration as a Telecommunications Company and Opportunity to Request a Hearing (Notice) are public service companies as defined in RCW 80.04.010 and are registered with the commission as telecommunications companies under RCW 80.36 and WAC 480-121.
- 22 (3) The companies listed in Attachment 1 failed to file in 2006 an annual report setting forth company operations during the year 2005, and failed to pay regulatory fees as required by RCW 80.04.080, RCW 80.24.080, and WAC 480-120-382 or WAC 480-120-385.
- 23 (4) The commission has authority to revoke a company's registration as a telecommunications company for good cause after notice and opportunity for a hearing. *WAC 480-121-060.*
- 24 (5) Because (1) AK Communications, Inc.; (2) AmeriVision Communications, Inc., d/b/a Lifeline Communications; and d/b/a Affinity 4; (3) Epixtar Communications Corp.; (4) Global Grid Telecom, Inc.; (5) Integrated Voice Services, Inc.; (6) Network PTS, Inc.; (7) NextNet Telecom, Inc.; (8) Norstan Network Services, Inc.; (9) OnFiber Carrier Services, Inc.; (10) Opcom, Inc., d/b/a WCS Telecom; (11) Phonetec, LP; (12) Quality Telephone, Inc.; (13) Time Warner Telecom of Washington, LLC; (14) T-Netix, Inc.; (15) TON Services, Inc.; (16) US Telecom, Inc., d/b/a Sprint Services; and (17) Western CLEC Corporation obtained regulatory compliance, the commission should not revoke the registrations at this time.
- 25 (6) The registrations of Inmate Communications Corporation and LMDS Holdings, Inc., (now Nextlink Wireless, Inc.) are not subject to cancellation, and these two companies were included erroneously in the Notice. Consequently, Inmate

Communications Corporation and LMDS Holdings, Inc., should be dismissed from this proceeding.

- 26 (7) The commission should revoke the registrations of all companies listed in Attachment 1 to this order for failure to file annual reports or failure to pay regulatory fees, in violation of RCW 80.04.080, RCW 80.24.010, and WAC 480-120-382 or WAC 480-120-385.

VI. ORDER

- 27 (1) The commission hereby revokes the registrations as telecommunications companies of all companies listed in Attachment 1 to this Order.
- 28 (2) This Order Revoking Registration as a Telecommunications Company does not apply to the following companies:

- 1) AK Communications, Inc.
- 2) AmeriVision Communications, Inc., d/b/a Lifeline Communications; and d/b/a Affinity 4
- 3) Epixtar Communications Corp.
- 4) Global Grid Telecom, Inc.
- 5) Integrated Voice Services, Inc.
- 6) Network PTS, Inc.
- 7) NextNet Telecom, Inc.
- 8) Norstan Network Services, Inc.
- 9) OnFiber Carrier Services, Inc.
- 10) Opcom, Inc., d/b/a WCS Telecom
- 11) Phonetec, LP
- 12) Quality Telephone, Inc.
- 13) Time Warner Telecom of Washington, LLC
- 14) T-Netix, Inc.
- 15) TON Services, Inc.
- 16) US Telecom, Inc., d/b/a Sprint Services
- 17) Western CLEC Corporation

- 29 (3) The commission dismisses Inmate Communications Corporation and LMDS Holdings, Inc., (now Nextlink Wireless, Inc.) from this proceeding.

- 30 (4) The commission retains jurisdiction of the subject matter and the parties to effectuate the provisions of this Order.

DATED at Olympia, Washington, and effective October 26, 2006.

MARK H. SIDRAN, Chairman

PATRICK J. OSHIE, Commissioner

PHILIP B. JONES, Commissioner

NOTICE TO PARTIES: This is a final order of the commission. In addition to judicial review, administrative relief may be available through a petition for reconsideration, filed within 10 days of the service of this order pursuant to RCW 34.05.470 and WAC 480-07-850, or a petition for rehearing pursuant to RCW 80.04.200 and WAC 480-07-870.