

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

In the Matter of the)	DOCKET NO. UT-041188
)	
)	ORDER NO. 01
Revocation of Telecommunications)	
Registrations of the Company's Listed)	ORDER REVOKING
on Attachment 1 for Failure to File)	REGISTRATION AS A
Annual Reports and Pay Regulatory)	TELECOMMUNICATIONS
Fees.)	COMPANY
.....)	

1 **Synopsis:** *The 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 480-120-303 or WAC 480-120-304. A list of companies whose registrations the Commission revokes is attached to this Order as Attachment 1.*

2 **Proceedings:** On July 20, 2004, 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 480-120-303 or WAC 480-120-304. The notice offered each respondent the opportunity to come into compliance and the opportunity to request a hearing. The notice was the result of the 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 not complying with regulatory requirements under RCW 80.04.080, RCW 80.24.010, and WAC 480-120-303 or WAC 480-120-304. The list included companies that failed to submit annual reports for 2003 and pay regulatory fees for 2004. One company also failed to submit an annual report for 2002 and pay regulatory fees for 2003.

- 4 The Commission served the Notice of Impending Revocation of Registration as a Telecommunications Company and Opportunity to Request a Hearing (Notice) upon the non-complying companies on July 20, 2004. The Commission served the Notice upon the companies listed in Attachment A to that Notice by regular and certified mail.¹ 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 August 20, 2004.

II. COMPANY RESPONSES TO NOTICE

- 6 Several companies responded to the Notice. No company requested a hearing. Two companies requested to voluntarily cancel its registration to operate in Washington as a telecommunications company. One company submitted its regulatory fees before the response period expired on August 20, 2004, but filed its annual report on August 23, 2004. Three other companies submitted their regulatory fees and annual report after August 20, 2004. The remaining companies timely submitted the delinquent annual reports and paid the delinquent regulatory fees after the Notice was issued.

A. Voluntary cancellation of registration as a telecommunications company.

- 7 Two companies responded to the Notice by voluntarily canceling its registration as a telecommunications company in Washington. One company was Operator Communications, Inc., d/b/a OCI. The registration for Operator

¹ Three companies came into compliance after the Notice was prepared for mailing, but before the Notices were sent to the companies. Those companies were Network US, Inc., d/b/a CA Affinity; Voyage Telecom, Inc.; and Westgate Communications, LLC, d/b/a WeavTel. Those companies did not receive the Notice, but they remained in Attachment A to the Notice. They will be treated as though they responded to the Notice by complying with regulatory requirements.

Communications, Inc., was canceled pursuant to the No Action Agenda of the Commission's Open Meeting on August 25, 2004. The other company was Phone Solution, Inc, and its registration was canceled pursuant to the No Action Agenda of the Commission's Open Meeting.

B. Regulatory compliance.

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

Anthony James Asquith, d/b/a Asquith Enterprises
Better World Telecom, Inc.
Broadwing Communications, LLC
CI2, Inc.
Christian Media Technologies, Inc.
Convergence Technologies, Inc.
Enhanced Communications Network, Inc.
ICG Telecom Group, Inc.
International Telecom, Ltd., d/b/a Kallback
NCI Data.com., Inc.
Network US, Inc., d/b/a CA Affinity
NetworkIP, LLC
Priority Terabit, Inc.
Quantum Shift Communications, Inc.
Verizon Avenue Corp.
Voyage Telecom, Inc.
Westgate Communications, LLC
Westgate Communications, LLC, d/b/a WeavTel

C. Late compliance.

9 Four companies obtained compliance after August 20, 2004. Telephone Company of Central Florida, Inc., submitted its delinquent regulatory fees before the response period expired and filed its delinquent annual report on August 23, 2004. Mercury Long Distance, Inc., submitted its delinquent regulatory fees and annual report on August 27, 2004, PT-1 Communications, Inc., on August 30,

2004, and Gateway Networks, Inc., on September 1, 2004.

III. DISCUSSION AND DECISION

- 10 Twenty-three companies filed responses to the Notice of Impending Revocation of Registration. The registration of Operator Communications, Inc., d/b/a OCI was canceled pursuant to its request to voluntarily cancel its registration on August 25, 2004. Thus, canceling Operator Communications, Inc.'s, registration through this docket is unnecessary. The registration of Phone Solution, Inc., was also canceled pursuant to its request to voluntarily cancel its registration. Thus, canceling Phone Solution, Inc.'s, registration through this docket is unnecessary.
- 11 Telephone Company of Central Florida, Inc., submitted its regulatory fees before the response period expired on August 20, 2004, and filed its delinquent annual report on August 23, 2004. It is not in the public interest to cancel Telephone Company of Central Florida, Inc.'s, registration at this time. The Commission does not waive the right to impose penalties upon the company pursuant to RCW 80.04.405.
- 12 Gateway Networks, Inc., Mercury Long Distance, Inc., and PT-1 Communications, Inc., submitted delinquent annual reports and paid delinquent regulatory fees after the response period expired on August 20, 2004. It is not in the public interest to cancel the registrations of Gateway Networks, Inc., Mercury Long Distance, Inc., and PT-1 Communications, Inc., at this time. The Commission does not waive the right to impose penalties upon the companies pursuant to RCW 80.04.405.
- 13 The remaining eighteen companies that obtained regulatory compliance did so by filing delinquent annual reports and regulatory fees before the response period expired on August 20, 2004. Those companies will retain their registrations as telecommunications companies. The Commission does not waive the right to impose penalties upon the companies pursuant to RCW 80.04.405.
- 14 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

- 15 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.
- 16 (1) The Washington Utilities and Transportation Commission (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.
- 17 (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.
- 18 (3) The Commission served the Notice on July 20, 2004, upon the companies listed in Attachment A to that Notice, except did not serve the Notice on three companies that obtained regulatory compliance after the Notice was prepared for mailing but before the Commission mailed the Notice. The three companies were Network US, Inc., d/b/a CA Affinity, Voyage Telecom, Inc., and Westgate Communications, LLC, d/b/a WeavTel.
- 19 (4) Operator Communications, Inc., d/b/a OCI requested to voluntarily cancel its registration before August 20, 2004. Its registration was canceled on August 25, 2004, pursuant to the No Action Agenda of the Commission's Open Meeting. Phone Solution, Inc., also requested to voluntarily cancel its registration before August 20, 2004. Its registration was canceled pursuant to the No action Agenda of the Commission's Open Meeting.

- 20 (5) Telephone Company of Central Florida, Inc., submitted its delinquent regulatory fees before the response period expired on August 20, 2004, but filed its delinquent annual report on August 23, 2004.
- 21 (6) Mercury Long Distance, Inc., submitted its delinquent regulatory fees and annual report on August 27, 2004, PT-1 Communications, Inc., on August 30, 2004, and Gateway Networks, Inc., on September 1, 2004.
- 22 (7) Eighteen companies obtained regulatory compliance before August 20, 2004. Those companies are (a) Anthony James Asquith, d/b/a Asquith Enterprises, (b) Better World Telecom, Inc., (c) Broadwing Communications, LLC, (d) CI2, Inc., (e) Christian Media Technologies, Inc., (f) Convergence Technologies, Inc., (g) Enhanced Communications Network, Inc., (h) ICG Telecom Group, Inc., (i) International Telecom, Ltd., d/b/a Kallback, (j) NCI Data.com., Inc., (k) Network US, Inc., d/b/a CA Affinity, (l) NetworkIP, LLC, (m) Priority Terabit, Inc., (n) Quantum Shift Communications, Inc., (o) Verizon Avenue Corp., (p) Voyage Telecom, Inc., (q) Westgate Communications, LLC, (r) Westgate Communications, LLC, d/b/a WeavTel.
- 23 (8) 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.
- 24 (9) The companies listed in Attachment 1 to this order failed to file an annual report or failed to pay regulatory fees after the Commission served the Notice. Attachment 1 is incorporated by this reference.

V. CONCLUSIONS OF LAW

- 25 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.

- 26 (1) The Washington Utilities and Transportation Commission (Commission) has jurisdiction over the subject matter of and the parties to this proceeding. *RCW 80.01.040; Chapter 80.36 RCW; Chapter 480-120 WAC; Chapter 480-121 WAC.*
- 27 (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 chapter 80.36 RCW and chapter 480-121 WAC.
- 28 (3) The companies listed in Attachment 1 failed to file an annual report for the year 2002 or 2003, reporting on company operations during the year 2001 or 2002, or failed to pay regulatory fees as required by RCW 80.04.080, RCW 80.24.080, and WAC 480-120-303 or WAC 480-120-304.
- 29 (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.*
- 30 (5) Because the registrations of Operator Communications, Inc., d/b/a OCI and Phone Solution, Inc., were canceled pursuant to requests to voluntarily cancel their registrations, the Commission will not revoke the registrations in this proceeding.
- 31 (6) Because (a) Anthony James Asquith, d/b/a Asquith Enterprises, (b) Better World Telecom, Inc., (c) Broadwing Communications, LLC, (d) CI2, Inc., (e) Christian Media Technologies, Inc., (f) Convergence Technologies, Inc., (g) Enhanced Communications Network, Inc., (h) Gateway Networks, Inc., (i) ICG Telecom Group, Inc., (j) International Telecom, Ltd., d/b/a Kallback, (k) Mercury Long Distance, Inc., (l) NCI Data.com., Inc., (m) Network US, Inc., d/b/a CA Affinity, (n) NetworkIP, LLC, (o) Priority Terabit, Inc., (p) PT-1 Communications, Inc., (q) Quantum Shift Communications, Inc., (r) Verizon Avenue Corp., (s) Voyage Telecom, Inc., (t) Westgate Communications, LLC, (u) Westgate Communications,

LLC, d/b/a WeavTel, and (v) Telephone Company of Central Florida, Inc., obtained regulatory compliance, the Commission should not revoke the registrations at this time.

- 32 (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 480-120-303 or WAC 480-120-304.

VI. ORDER

- 33 (1) The Commission hereby revokes the registrations as telecommunications companies of all companies listed in Attachment 1 to this Order.

- 34 (2) This Order Revoking Registration as a Telecommunications Company does not apply to the following companies:

Anthony James Asquith, d/b/a Asquith Enterprises
Better World Telecom, Inc.
Broadwing Communications, LLC
CI2, Inc.
Christian Media Technologies, Inc.
Convergence Technologies, Inc.
Enhanced Communications Network, Inc.
Gateway Networks, Inc.
ICG Telecom Group, Inc.
International Telecom, Ltd., d/b/a Kallback
Mercury Long Distance, Inc.
NCI Data.com., Inc.
Network US, Inc., d/b/a CA Affinity
NetworkIP, LLC
Operator Communications, Inc., d/b/a OCI
Phone Solution, Inc.
Priority Terabit, Inc.
PT-1 Communications, Inc.

Quantum Shift Communications, Inc.
Telephone Company of Central Florida, Inc.
Verizon Avenue Corp.
Voyage Telecom, Inc.
Westgate Communications, LLC
Westgate Communications, LLC, d/b/a WeavTel

- 35 (3) The Commission retains jurisdiction of the subject matter and the parties to effectuate the provisions of this Order.

DATED at Olympia, Washington, and effective this 7th day of September, 2004.

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTEAD, Commissioner

PATRICK J. OSHIE, 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 or RCW 81.04.200 and WAC 480-07-870.