

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Revocation of the
Competitively Classified
Telecommunications Registration of

AIRNEX COMMUNICATIONS, INC.,
CBeyond COMMUNICATIONS,
LLC, CERETEL INCORPORATED,
COMSPAN COMMUNICATIONS,
INC., CONVERGENCE
TECHNOLOGIES, INC., HAMR
COMMUNICATIONS LLC, IONEX
COMMUNICATIONS NORTH, INC.,
LATTICE INCORPORATED, NEXUS
COMMUNICATIONS, INC., PAC-
WEST TELECOMM, INC.,
TELEXFREE, LLC, TELTRUST
CORPORATION, TENKAL
COMPANY, VITCOM, LLC, WDT
WORLD DISCOUNT
TELECOMMUNICATIONS CO.,

for Failure to File Annual Reports.

DOCKET UT-180771

ORDER 01

ORDER REVOKING
REGISTRATION AS A
TELECOMMUNICATIONS
COMPANY

BACKGROUND

- 1 Competitively classified telecommunications companies regulated by the Washington Utilities and Transportation Commission (Commission) must file annual reports and pay regulatory fees annually pursuant to Revised Code of Washington (RCW) 80.04.080, RCW 80.24.010, and Washington Administrative Code (WAC) 480-120-382. These rules provide that the Commission may revoke a competitively classified telecommunications company for failure to file its annual report or pay its regulatory fees.
- 2 On October 2, 2018, the Commission served Airnex Communications, Inc., Cbeyond Communications, LLC, CereTel Incorporated, ComSpan Communications, Inc., Convergence Technologies, Inc., Hamr Communications LLC, Ionex Communications North, Inc., Lattice Incorporated, Nexus Communications, Inc., Pac-West Telecomm, Inc., TELEXFREE, LLC, Teltrust Corporation, Tenkal Company, Vitcom, LLC, and WDT World Discount Telecommunications Co. (collectively, the Companies) with a

Notice of Intent to Revoke Competitively Classified Telecommunications Company Registration and Opportunity to Request a Hearing (Notice) for failure to file 2017 annual reports.¹ The Notice informed the Companies that their registration would be revoked without further notice unless the Companies filed their delinquent annual reports or requested a hearing to demonstrate why their registration should not be revoked within 30 days of the date the Notice was served.

- 3 The Commission did not receive a request for hearing from any of the Companies, and did not receive 2017 annual reports from any of the Companies.

DISCUSSION AND DECISION

- 4 The Commission exercises its discretion to revoke the Companies' competitively classified telecommunications company registrations. The Commission's ultimate goal in any enforcement action is to ensure compliance with applicable statutes and rules. WAC 480-120-382, RCW 80.04.080, and RCW 80.24.010 require competitively classified telecommunications companies to file annual reports and pay regulatory fees by May 1 of each year. The Companies did not make the requisite filing. Accordingly, the Commission notified the Companies that their registration would be revoked unless the Companies filed their annual reports or requested a hearing within 30 days. The Companies did not file annual reports and pay regulatory fees or otherwise respond.

- 5 If a company is unwilling to comply with its regulatory obligations, it is no longer fit, willing, and able to provide regulated service. We find that the Companies' failure to file annual reports and pay regulatory fees are willful violations of the laws the Commission is charged with enforcing that disqualify the Companies from providing telecommunication service in Washington. The Commission, therefore, revokes the Companies' registration effective the day this Order is served.

FINDINGS AND CONCLUSIONS

- 6 (1) The Commission is an agency of the State of Washington with the authority to regulate telecommunications companies as defined in RCW 80.36.
- 7 (2) The Companies are public service companies as defined in RCW 80.04.010 and are registered with the Commission as telecommunications companies.

¹ Under WAC 480-07-150(4), the Commission may serve documents electronically except where proof of service is required by law. The Commission's Final Order adopting changes to WAC 480-07 accepted Staff's position that electronic service is acceptable for commencing adjudicative proceedings against regulated companies. *See* General Order 588 – Final Adoption Order – WSR 17-06-051, Docket A-130355 ¶16 and Appendix A (March 2, 2017).

- 8 (3) On October 2, 2018, the Commission notified the Companies that their competitively classified telecommunications company registrations would be revoked if the Companies failed to file annual reports within 30 days. The Commission also notified the Companies that they could request a hearing to contest cancellation of their registrations.
- 9 (4) The Companies have not filed annual reports, which were due May 1, 2018.
- 10 (5) The Companies did not request a hearing.
- 11 (6) Under WAC 480-120-832(6)(e), the Commission may revoke a company's registration for failure to pay its regulatory fee.
- 12 (7) Under RCW 80.04.080, the Commission may revoke a company's operating authority for failure to file an annual report.
- 13 (8) The Companies' failure to file their 2017 annual reports constitutes cause to revoke their registration as competitively classified telecommunications companies.

ORDER

THE COMMISSION ORDERS:

- 14 (1) The telecommunications registrations of Airnex Communications, Inc., Cbeyond Communications, LLC, CereTel Incorporated, ComSpan Communications, Inc., Convergence Technologies, Inc., Hamr Communications LLC, Ionex Communications North, Inc., Lattice Incorporated, Nexus Communications, Inc., Pac-West Telecomm, Inc., TELEXFREE, LLC, Teltrust Corporation, Tenkal Company, Vitcom, LLC, and WDT World Discount Telecommunications Co. is revoked effective on the date this Order is served.
- 15 (2) Airnex Communications, Inc., Cbeyond Communications, LLC, CereTel Incorporated, ComSpan Communications, Inc., Convergence Technologies, Inc., Hamr Communications LLC, Ionex Communications North, Inc., Lattice Incorporated, Nexus Communications, Inc., Pac-West Telecomm, Inc., TELEXFREE, LLC, Teltrust Corporation, Tenkal Company, Vitcom, LLC, and WDT World Discount Telecommunications Co. are directed to **cease** all operations associated with their registration.

16 The Commission has delegated authority to the Secretary, or to the Secretary's delegate, to enter this Order under RCW 80.01.030, WAC 480-07-905(1).

DATED at Olympia, Washington, and effective January 7, 2019.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK L. JOHNSON
Executive Director and Secretary

NOTICE TO PARTIES: This is an order delegated to the Executive Secretary for decision. As authorized in WAC 480-07-904(3), you must file any request for Commission review of this order no later than 14 days after the date the decision is posted on the Commission's website.