

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

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|---|---|--------------------------|
| In the Matter of the Penalty Assessment |) | DOCKET UT-060977 |
| Against |) | |
| |) | ORDER 07 |
| AIRNEX COMMUNICATIONS, INC., |) | |
| |) | |
| in the Amount of \$100.00 |) | ORDER DENYING MITIGATION |
| |) | |
| |) | |

1 **Penalty:** On July 5, 2006, the Washington Utilities and Transportation Commission (Commission) assessed a penalty in the amount of \$100 against Airnex Communications, Inc., (Airnex) for one violation of WAC 480-120-382, which requires competitively classified telecommunications companies to file annual reports with the Commission no later than May 1 of each year.

2 **Petition for Mitigation:** On July 21, 2006, Airnex filed a petition for mitigation and waived a hearing. Airnex asserted that the principal of the carrier was traveling overseas when the annual report was due.

3 **Answer:** On August 2, 2006, Commission Staff filed a response to the petition for mitigation. Staff asserted that the Annual Report packet was mailed Airnex on March 3, 2006, almost two full months before the report was due. Staff asserted that Airnex had ample time to prepare and file the report, so Staff opposed mitigation of the penalty.

4 **Commission Decision:** The Commission denies the petition. While Airnex did not specify the dates of travel, Airnex did not deny that it received the Annual Report packet well in advance of the filing deadline. Airnex had sufficient time, approximately two months, to prepare the annual report and submit it in a timely manner.

5 Moreover, as a regulated telecommunications company, Airnex has an obligation to ensure that its regulated activities are monitored and all regulatory obligations are met even if certain individuals are absent from the country. In other words, Airnex needs

to guarantee that “someone is home to mind the store.” Accordingly, the request for penalty mitigation is denied.

6 It is so ordered.

DATED at Olympia, Washington, and effective September 19, 2006.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN
Executive Secretary

NOTICE TO PARTIES: This is an administrative order of the Commission pursuant to RCW 80.01.030. Judicial review may be available through a petition to the superior court judicial review under RCW 34.05.542(4), filed within 30 days after the service date of this order.