

[Service Date September 19, 2006]

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

In the Matter of the Penalty Assessment        ) DOCKET UT-060977  
Against    )  
  ) ORDER 08  
MC SERVICES    )  
  )  
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 MC Services 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 20, 2006, MC Services filed a petition for mitigation and waived a hearing. MC Services asserted that it neglected to timely file its annual report due to an oversight. The principal of MC Services stated that given the low net income of its enterprise, she had been forced to engage in other employment. During the past year, she also assumed the care for an elderly parent.

3     **Answer:** On August 2, 2006, Commission Staff filed a response to the petition for mitigation. Staff stated that, as a regulated telecommunications company, MC Services is required to file its annual report in a timely manner. Staff argued that while the low income of the company and caring for an elderly parent are hardships, they do not excuse MC Services from timely filing its annual report or paying the penalty.

4     **Commission Decision:** The Commission denies the petition. All competitively classified telecommunications companies are required to file annual reports in a timely manner. It is difficult understand how this requirement could have been overlooked. According to Attachment A of Staff’s response, the Commission mailed a 2005 Annual Report packet to MC services on March 3, 2006, along with a letter from the Executive Secretary of the Commission advising MC Services that annual reports and regulatory fees were due by May 1, 2006. That packet and letter should

have served as a “reminder” to MC Services of the due date of the annual report. That “reminder” was sent well in advance of the filing deadline.

- 5 The letter further advised MC Services that if it wished to request an extension of the deadline to file its annual report, it could request an extension and provide a reason for the requested extension prior to May 1, 2006. MC Services did not request an extension. While the hardships cited in the petition for mitigation may have provided sufficient cause to extend the deadline for filing the annual report, they are insufficient to excuse the failure to file in a timely manner or payment of the penalty. 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.**