

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

In the Matter of the Penalty Assessment)	DOCKET UT-060977
Against)	
)	ORDER 09
PUBLIC COMMUNICATIONS)	
SERVICES, INC.,)	
)	ORDER DENYING MITIGATION
in the Amount of \$100.00)	
)	
.....)	

1 **Penalty:** On July 5, 2006, the Washington Utilities and Transportation Commission (Commission) assessed a penalty in the amount of \$100 against Public Communications Services, Inc., (Public Communications) 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 18, 2006, Public Communications filed a petition for mitigation and waived a hearing. Public Communications asserted that it had a new controller, senior financial analyst, and accounting manager. In addition, Public Communications changed business locations.

3 **Answer:** On August 2, 2006, Commission Staff filed a response to the petition for mitigation. Staff stated that during the last five months, the company experienced an interim controller and a new controller. In addition, the accounting manager and the senior analyst left the company. The company also moved to a new location within the same building. Staff argued that staff turnover and company relocation do not excuse a company from filing an annual report in a timely manner. Staff asserted that the company had not filed its annual report by the deadline in the last four reporting years. Staff opposed mitigation of the penalty.

4 **Commission Decision:** The Commission denies the petition. The requirement for filing an annual report in a timely manner lies with the company, not with any particular employee. A regulated entity must be prepared to meet its regulatory obligations in spite of the vagaries of conducting business, including staff turnover

and a change in business location. Neither excuses a regulated company from meeting its filing requirements in a timely manner.

5 Moreover, the company's failure to timely file its 2005 annual report is not an isolated incident. Public Communications has not submitted its annual report in a timely manner for the past four years. This record is indicative of a persistent problem that Public Communications needs to remedy prior to the next filing deadline. 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.