

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION,

Complainant,

v.

ANGEL AMERICAS, LLC; CLEAR  
WORLD COMMUNICATIONS  
CORPORATION; COAST  
INTERNATIONAL, INC.;  
CONTINENTAL TELEPHONE, LLC;  
HAMR COMMUNICATIONS, LLC;  
LOCUS TELECOMMUNICATIONS,  
INC.; PACIFIC TELECOM  
COMMUNICATIONS GROUP; PEND  
OREILLE VALLEY NETWORK, INC.;  
TELENATIONAL  
COMMUNICATIONS, INC.; TOTAL  
CALL INTERNATIONAL, INC.;  
WASHINGTON TELCO, LLC; WDT  
WORLD DISCOUNT  
TELECOMMUNICATIONS, CO.,

Respondents.

DOCKET UT-161082

ORDER 01

INITIAL ORDER DISMISSING  
COMPLAINT AGAINST CERTAIN  
COMPANIES AND REVOKING  
REGISTRATIONS OF REMAINING  
COMPANIES FOR FAILURE TO FILE  
ANNUAL REPORTS AND PAY  
REGULATORY FEES

**BACKGROUND**

1 On October 5, 2016, the Washington Utilities and Transportation Commission (Commission) issued a complaint against Angel Americas, LLC (Angel Americas), Clear World Communications Corporation (Clear World), Coast International, Inc. (Coast International), Continental Telephone, LLC (Continental), HAMR Communications, LLC (HAMR), Locus Telecommunications, Inc. (Locus), Pacific Telecom Communications Group (Pacific Telecom), Pend Oreille Valley Network, Inc. (Pend Oreille), Telenational Communications, Inc. (Telenational), Total Call International, Inc. (Total Call), Washington Telco, LLC (Washington Telco), and WDT World Discount Telecommunications, Co. (WDT). The complaint alleges that each company failed to file required annual reports for 2015 and also failed to pay required regulatory fees.

The Commission set this matter for hearing and notified all respondents that any party that failed to attend or participate in the hearing may be held in default.

- 2 The Commission conducted a hearing on the complaint on November 9, 2016, in Olympia, Washington before Administrative Law Judge Rayne Pearson. Andrew J. O'Connell, Assistant Attorney General, Olympia, Washington represents Commission staff (Staff).<sup>1</sup> During the hearing, Staff presented the testimony of Sean Bennett, Regulatory Analyst. No other party appeared.

### DISCUSSION AND DECISION

- 3 **Applicable Law.** Every public service company the Commission regulates is required to file an annual report that documents the company's operations during the preceding year.<sup>2</sup> In addition, every public service company the Commission regulates must pay a regulatory fee each year on or before the date specified by the Commission.<sup>3</sup>
- 4 Commission rules require all regulated telecommunications companies to file annual reports and pay regulatory fees by May 1.<sup>4</sup> The Commission may revoke the registration of a telecommunications company for failure to file an annual report or pay regulatory fees.<sup>5</sup> Any party that fails to attend or participate in a hearing scheduled by the Commission may be held in default.<sup>6</sup>
- 5 **Motion to Dismiss.** At the hearing, Staff moved to dismiss the complaint against HAMR, Washington Telco, WDT, and Total Call based on the following information:

- 1) HAMR filed its annual report and paid its regulatory fee on October 10, 2016.

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<sup>1</sup> In formal proceedings, such as this, the Commission's regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners' policy advisors do not discuss the merits of this proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See* RCW 34.05.455.

<sup>2</sup> *See* RCW 80.04.080.

<sup>3</sup> *See* RCW 80.24.010.

<sup>4</sup> *See* WAC 480-120-382 (competitively classified companies); WAC 480-120-385 (companies not classified as competitive).

<sup>5</sup> *See* WAC 480-121-060.

<sup>6</sup> *See* RCW 34.05.440; WAC 480-07-450.

- 2) Washington Telco filed its annual report and paid its regulatory fee on October 6, 2016.
- 3) WDT filed its annual report on October 5, 2015, and paid its regulatory fee on October 24, 2016.
- 4) Total Call's registration was voluntarily cancelled in Docket UT-161119 effective October 27, 2016.

The Commission granted these motions to dismiss. Neither HAMR nor WDT, however, has paid the penalty the Commission assessed against each company for failure to timely file its annual report and pay the required regulatory fee.<sup>7</sup> HAMR and WDT must pay their outstanding penalties within 10 days of the date of this order or be subject to further enforcement action in a separate proceeding, which may include revocation of the companies' telecommunications registrations.

6 **Default.** Staff moved that Angel Americas, Clear World, Coast International, Continental Telephone, Locus, Pacific Telecom, Pend Oreille, and Telenational be held in default for failing to appear at the hearing.

7 The record reflects that each company was sent notice of the hearing by both certified and first class mail at its address of record. Each company failed to appear or otherwise respond to the complaint. Therefore, the motion for default against each of the remaining eight companies was granted. Even so, Staff requested that the Commission hear and dispose of the substantive issues brought in the complaint against Angel Americas, Clear World, Coast International, Continental Telephone, Locus, Pacific Telecom, Pend Oreille, and Telenational.

8 **Complaint.** Mr. Bennett testified that he reviews the Commission's Annual Report Tracking System (ARTS) to obtain a list of all companies that are delinquent in filing their annual reports or paying their regulatory fees. Mr. Bennett reviewed ARTS data for each company named in the complaint as late as the morning of the hearing, November 9, 2016.

9 Angel Americas is registered under RCW 80.36 and WAC 480-121 to provide telecommunications services in Washington. As such, Angel Americas is required to

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<sup>7</sup> On June 14, 2016, the Commission assessed a \$1,000 penalty against HAMR for violations of WAC 480-120-382 in Docket UT-160559. On June 16, 2016, the Commission assessed a \$200 penalty against WDT for violations of WAC 480-120-382 in Docket UT-160606.

submit an annual report to the Commission and pay regulatory fees. A review of the Commission's files and records shows that Angel Americas failed to file its 2015 annual report and failed to pay regulatory fees. Moreover, Angel Americas failed to appear at the time and place scheduled for hearing in this matter and is in default. Accordingly, the Commission should revoke Angel Americas' telecommunications company registration.

- 10 Clear World is registered under RCW 80.36 and WAC 480-121 to provide telecommunications services in Washington. As such, Clear World is required to submit an annual report to the Commission and pay regulatory fees. A review of the Commission's files and records shows that Clear World failed to file its 2015 annual report and failed to pay regulatory fees. Moreover, Clear World failed to appear at the time and place scheduled for hearing in this matter and is in default. Accordingly, the Commission should revoke Clear World's telecommunications company registration.
- 11 Coast International is registered under RCW 80.36 and WAC 480-121 to provide telecommunications services in Washington. As such, Coast International is required to submit an annual report to the Commission and pay regulatory fees. A review of the Commission's files and records shows that Coast International failed to file its 2015 annual report and failed to pay regulatory fees. Moreover, Coast International failed to appear at the time and place scheduled for hearing in this matter and is in default. Accordingly, the Commission should revoke Coast International's telecommunications company registration.
- 12 Continental Telephone is registered under RCW 80.36 and WAC 480-121 to provide telecommunications services in Washington. As such, Continental Telephone is required to submit an annual report to the Commission and pay regulatory fees. A review of the Commission's files and records shows that Continental Telephone failed to file its 2015 annual report and failed to pay regulatory fees. Moreover, Continental Telephone failed to appear at the time and place scheduled for hearing in this matter and is in default. Accordingly, the Commission should revoke Continental Telephone's telecommunications company registration.
- 13 Locus is registered under RCW 80.36 and WAC 480-121 to provide telecommunications services in Washington. As such, Locus is required to submit an annual report to the Commission and pay regulatory fees. A review of the Commission's files and records shows that Locus failed to file its 2015 annual report and failed to pay regulatory fees. Moreover, Locus failed to appear at the time and place scheduled for hearing in this

matter and is in default. Accordingly, the Commission should revoke Locus's telecommunications company registration.

- 14 Pacific Telecom is registered under RCW 80.36 and WAC 480-121 to provide telecommunications services in Washington. As such, Pacific Telecom is required to submit an annual report to the Commission and pay regulatory fees. A review of the Commission's files and records shows that Pacific Telecom failed to file its 2015 annual report and failed to pay regulatory fees. Moreover, Pacific Telecom failed to appear at the time and place scheduled for hearing in this matter and is in default. Accordingly, the Commission should revoke Pacific Telecom's telecommunications company registration.
- 15 Pend Oreille is registered under RCW 80.36 and WAC 480-121 to provide telecommunications services in Washington. As such, Pend Oreille is required to submit an annual report to the Commission and pay regulatory fees. A review of the Commission's files and records shows that Pend Oreille failed to file a complete 2015 annual report. Moreover, Pend Oreille failed to appear at the time and place scheduled for hearing in this matter and is in default. Accordingly, the Commission should revoke Pend Oreille's telecommunications company registration.
- 16 Telenational is registered under RCW 80.36 and WAC 480-121 to provide telecommunications services in Washington. As such, Telenational is required to submit an annual report to the Commission and pay regulatory fees. A review of the Commission's files and records shows that Telenational failed to file its 2015 annual report and failed to pay regulatory fees. Moreover, Telenational failed to appear at the time and place scheduled for hearing in this matter and is in default. Accordingly, the Commission should revoke Telenational's telecommunications company registration.

### FINDINGS AND CONCLUSIONS

- 17 (1) The Commission is an agency of the State of Washington, vested by statute with authority to regulate rates, rules, regulations, practices, and accounts of public service companies, including telecommunications companies.
- 18 (2) Angel Americas, Clear World, Coast International, HAMR, Continental Telephone, Locus, Pacific Telecom, Pend Oreille, Telenational, Total Call, Washington Telco, and WDT are each a "public service company" and

“telecommunications company” as those terms are defined and used in RCW Title 80.

- 19 (3) On October 5, 2016, the Commission issued a complaint and notice of hearing against each of the above-named telecommunications companies seeking revocation of each company’s registration for failure to submit an annual report and pay regulatory fees. The notice of hearing scheduled a hearing to convene on November 9, 2016, in Olympia, Washington. Each of the above-named telecommunications companies was properly served and notified of the hearing.
- 20 (4) After the Commission served the complaint, HAMR, Washington Telco, and WDT each filed its annual report, and Total Call voluntarily cancelled its registration. Accordingly, the Commission should dismiss the complaint against HAMR, Washington Telco, WDT, and Total Call.
- 38 (5) The failure of Angel Americas, Clear World, Coast International, Continental Telephone, Locus, Pacific Telecom, Pend Oreille, and Telenational to file their 2015 annual report and pay regulatory fees constitutes good cause to revoke their registration to operate in Washington.
- 21 (6) Angel Americas, Clear World, Coast International, Continental Telephone, Locus, Pacific Telecom, Pend Oreille, and Telenational are in default for failing to appear at the hearing in this matter.

### ORDER

#### THE COMMISSION ORDERS THAT:

- 22 (1) The Complaint against HAMR Communications, LLC, WDT World Discount Telecommunications, Co., Washington Telco, LLC, and Total Call International, Inc. is dismissed.
- 23 (2) HAMR Communications, LLC and WDT World Discount Telecommunications, Co. must pay their outstanding penalties within 10 days of the effective date of this order. Either company’s failure to pay its penalty by the deadline will result in further enforcement action in a separate proceeding, which may include revocation of its telecommunications registration.

- 24 (3) Angel Americas, LLC; Clear World Communications Corporation; Coast International, Inc.; Continental Telephone, LLC; Locus Telecommunications, Inc.; Pacific Telecom Communications Group; Pend Oreille Valley Network, Inc.; and Telenational Communications, Inc. are in default.
- 25 (4) The Commission revokes the telecommunications company registrations held by Angel Americas, LLC; Clear World Communications Corporation; Coast International, Inc.; Continental Telephone, LLC; Locus Telecommunications, Inc.; Pacific Telecom Communications Group; Pend Oreille Valley Network, Inc.; and Telenational Communications, Inc.; for failure to file an annual report for 2015.

DATED at Olympia, Washington, and effective November 17, 2016.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

RAYNE PEARSON  
Administrative Law Judge

**NOTICE TO PARTIES**

This is an Initial Order. The action proposed in this Initial Order is not yet effective. If you disagree with this Initial Order and want the Commission to consider your comments, you must take specific action within the time limits outlined below. If you agree with this Initial Order, and you would like the Order to become final before the time limits expire, you may send a letter to the Commission, waiving your right to petition for administrative review.

WAC 480-07-825(2) provides that any party to this proceeding has twenty (20) days after the entry of this Initial Order to file a Petition for Administrative Review. What must be included in any Petition and other requirements for a Petition are stated in WAC 480-07-825(3). WAC 480-07-825(4) states that any party may file an Answer to a Petition for Review within ten (10) days after service of the Petition.

WAC 480-07-830 provides that before entry of a Final Order any party may file a Petition to Reopen a contested proceeding to permit receipt of evidence essential to a decision, but unavailable and not reasonably discoverable at the time of hearing, or for other good and sufficient cause. No Answer to a Petition to Reopen will be accepted for filing absent express notice by the Commission calling for such answer.

RCW 80.01.060(3) provides that an Initial Order will become final without further Commission action if no party seeks administrative review of the Initial Order and if the Commission fails to exercise administrative review on its own motion.

One copy of any Petition or Answer filed must be served on each party of record with proof of service as required by WAC 480-07-150(8) and (9). An original and **seven (7)** copies of any Petition or Answer must be filed by mail delivery to:

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Washington Utilities and Transportation Commission  
P.O. Box 47250  
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