

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION,

Complainant,

v.

321 COMMUNICATIONS, INC.;  
EMAN NETWORKS; ERNEST  
COMMUNICATIONS, INC.;  
GREENFLY NETWORKS, INC.;  
IBASIS RETAIL, INC.; INETWORKS  
GROUP, INC.; LDC GROUP, LLC;  
LEGACY LONG DISTANCE  
INTERNATIONAL, INC.; MASTER  
CALL CORPORATION; PUBLIC  
WIRELESS, INC.; TELE CIRCUIT  
NETWORK CORPORATION;  
TELECOMMUNICATIONS  
COMMUNICATIONS SERVICES,  
INC.; TELEXFREE, LLC; TTUSA  
ACQUISITION, INC.; UMPQUA  
INDIAN DEVELOPMENT CORP.

Respondents.

DOCKET UT-151543

COMPLAINT FOR REVOCATION OF  
REGISTRATION FOR FAILURE TO  
PAY REGULATORY FEES AND  
FAILURE TO FILE ANNUAL  
REPORT; and

NOTICE OF HEARING  
(Set for November 9, 2015, at  
10:00 a.m.)

- 1 **Synopsis:** *The Commission seeks revocation of the registrations of telecommunications companies that have failed to pay regulatory fees as required by RCW 80.24.010 and failed to file an annual report as required by RCW 80.04.080.*
- 2 **Proceedings:** Telecommunications companies registered with the Washington Utilities and Transportation Commission (Commission) must file annual reports setting forth company operations during the preceding year. In addition, these telecommunications companies must pay annual regulatory fees to the Commission. Annual reports and regulatory fees are due on or before May 1.
- 3 Each year, in advance of this deadline, the Commission distributes annual report forms to all registered telecommunications companies. Incorporated into the annual report form is a regulatory fee calculation schedule, which provides companies with step-by-step assistance in calculating their regulatory fees.

4 On February 27, 2015, the Commission mailed an annual report form to the address on record with the Commission for each registered telecommunications company, including: 321 Communications, Inc.; Eman Networks; Ernest Communications, inc.; Greenfly Networks, Inc.; iBasis Retail, Inc.; iNetworks Group, Inc.; LDC Group, LLC; Legacy Long Distance International, Inc.; Master Call Corporation; Public Wireless, Inc.; Tele Circuit Network Corporation; Telecommunications Communications Services, Inc.; TELEXFREE, LLC; TTUSA Acquisition, Inc.; and, Umpqua Indian Development Corp. (collectively “the Companies”). A search of Commission records indicates that fourteen of the fifteen Companies failed to file an annual report and remit a regulatory fee. Staff received an annual report from Master Call Corporation, but it was incomplete. Accordingly, Commission Staff (Staff)<sup>1</sup> asks the Commission to issue this Complaint seeking revocation of each company’s registration for violation of the reporting and regulatory fee requirements of RCW 80.24.010, RCW 80.04.080, and WAC 480-120-382.

### I. COMPLAINT

- 5 The Commission on its own motion, and through its Staff, alleges as follows:
- 6 Every telecommunications company is a public service company. RCW 80.04.010.
- 7 Every public service company is required to file an annual report with the Commission. RCW 80.04.080.
- 8 Every public service company subject to regulation by the Commission must pay an annual regulatory fee. RCW 80.24.010.
- 9 The Commission is authorized and empowered to issue rules and regulations governing telecommunications companies and other public service companies. RCW 80.04.160.
- 10 Every telecommunications company must pay an annual regulatory fee equal to one-tenth of one-percent of the first fifty thousand dollars of gross intrastate operating revenue plus two-tenths of one percent of any gross intrastate operating revenue in excess of fifty thousand dollars. WAC 480-120-382 (competitively classified companies); WAC 480-120-385 (companies not classified as competitive).
- 11 While most of the rule remains the same, some sections of WAC 480-120-382 were amended in 2014. In 2014, the applicable rule required a minimum regulatory fee of twenty dollars. WAC 480-120-382(b) (2014). This twenty-dollar minimum regulatory fee was waived, however, if a telecommunications company’s gross intrastate operating

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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 and accounting 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.

revenue was less than twenty thousand dollars. WAC 480-120-382(c) (2014). This older version of the rule applies to any of the respondent companies that have a gross intrastate operating revenue of less than twenty thousand dollars.

- 12 All telecommunications companies must file annual reports and pay regulatory fees by May 1. WAC 480-120-382 (competitively classified companies); WAC 480-120-385 (companies not classified as competitive).
- 13 The Commission may revoke the registration of a telecommunications company for failure to file an annual report or pay regulatory fees. WAC 480-121-060.
- 14 Staff conducted its yearly compliance review of annual report and regulatory fee filings for telecommunications companies registered with the Commission. This review generated a list of companies that had failed to pay regulatory fees or failed to submit annual reports (or complete annual reports). Those companies that still have not paid regulatory fees or filed annual reports (or complete annual reports) are named as respondents in this complaint.
- 15 321 Communications, Inc. (321 Communications) is a public service company as defined in RCW 80.04.010. 321 Communications is registered under RCW 80.36 and WAC 480-121 to provide telecommunications services in the state of Washington. From the Commission's files and records, it appears that 321 Communications failed to pay the required regulatory fees and file the annual report due on May 1, 2015.
- 16 Eman Networks is a public service company as defined in RCW 80.04.010. Eman Networks is registered under RCW 80.36 and WAC 480-121 to provide telecommunications services in the state of Washington. From the Commission's files and records, it appears that Eman Networks failed to pay the required regulatory fees and file the annual report due on May 1, 2015.
- 17 Ernest Communications, Inc. (Ernest) is a public service company as defined in RCW 80.04.010. Ernest is registered under RCW 80.36 and WAC 480-121 to provide telecommunications services in the state of Washington. From the Commission's files and records, it appears that Ernest failed to pay the required regulatory fees and file the annual report due on May 1, 2015.
- 18 Greenfly Networks, Inc. (Greenfly) is a public service company as defined in RCW 80.04.010. Greenfly is registered under RCW 80.36 and WAC 480-121 to provide telecommunications services in the state of Washington. From the Commission's files and records, it appears that Greenfly failed to pay the required regulatory fees and file the annual report due on May 1, 2015.
- 19 iBasis Retail, Inc. (iBasis) is a public service company as defined in RCW 80.04.010. iBasis is registered under RCW 80.36 and WAC 480-121 to provide telecommunications services in the state of Washington. From the Commission's files and records, it appears

that iBasis failed to pay the required regulatory fees and file the annual report due on May 1, 2015.

- 20 iNetworks Group, Inc. (iNetworks) is a public service company as defined in RCW 80.04.010. iNetworks is registered under RCW 80.36 and WAC 480-121 to provide telecommunications services in the state of Washington. From the Commission's files and records, it appears that iNetworks failed to pay the required regulatory fees and file the annual report due on May 1, 2015.
- 21 LDC Group, LLC (LDC Group) is a public service company as defined in RCW 80.04.010. LDC Group is registered under RCW 80.36 and WAC 480-121 to provide telecommunications services in the state of Washington. From the Commission's files and records, it appears that LDC Group failed to pay the required regulatory fees and file the annual report due on May 1, 2015.
- 22 Legacy Long Distance International, Inc. (Legacy) is a public service company as defined in RCW 80.04.010. Legacy is registered under RCW 80.36 and WAC 480-121 to provide telecommunications services in the state of Washington. From the Commission's files and records, it appears that Legacy failed to pay the required regulatory fees and file the annual report due on May 1, 2015.
- 23 Master Call Corporation (Master Call) is a public service company as defined in RCW 80.04.010. Master Call is registered under RCW 80.36 and WAC 480-121 to provide telecommunications services in the state of Washington. From the Commission's files and records, it appears that Master Call failed to file a complete annual report and regulatory fee due on May 1, 2015. Staff has confirmed from Master Call's incomplete submission, however, that it does not need to pay a regulatory fee as its gross intrastate operating revenues were less than twenty thousand dollars.
- 24 Public Wireless, Inc. (Public Wireless) is a public service company as defined in RCW 80.04.010. Public Wireless is registered under RCW 80.36 and WAC 480-121 to provide telecommunications services in the state of Washington. From the Commission's files and records, it appears that Public Wireless failed to pay the required regulatory fees and file the annual report due on May 1, 2015.
- 25 Tele Circuit Network Corporation (Tele Circuit) is a public service company as defined in RCW 80.04.010. Tele Circuit is registered under RCW 80.36 and WAC 480-121 to provide telecommunications services in the state of Washington. From the Commission's files and records, it appears that Tele Circuit failed to pay the required regulatory fees and file the annual report due on May 1, 2015.
- 26 Telecommunications Communications Services, Inc. (Telecommunications Communications) is a public service company as defined in RCW 80.04.010. Telecommunications Communications is registered under RCW 80.36 and WAC 480-121 to provide telecommunications services in the state of Washington. From the

Commission's files and records, it appears that Telecommunications Communications failed to pay the required regulatory fees and file the annual report due on May 1, 2015.

- 27 TELEXFREE, LLC (TELEXFREE) is a public service company as defined in RCW 80.04.010. TELEXFREE is registered under RCW 80.36 and WAC 480-121 to provide telecommunications services in the state of Washington. From the Commission's files and records, it appears that TELEXFREE failed to pay the required regulatory fees and file the annual report due on May 1, 2015.
- 28 TTUSA Acquisition, Inc. (TTUSA) is a public service company as defined in RCW 80.04.010. TTUSA is registered under RCW 80.36 and WAC 480-121 to provide telecommunications services in the state of Washington. From the Commission's files and records, it appears that TTUSA failed to pay the required regulatory fees and file the annual report due on May 1, 2015.
- 29 Umpqua Indian Development Corp. (Umpqua) is a public service company as defined in RCW 80.04.010. Umpqua is registered under RCW 80.36 and WAC 480-121 to provide telecommunications services in the state of Washington. From the Commission's files and records, it appears that Umpqua failed to pay the required regulatory fees and file the annual report due on May 1, 2015.
- 30 In sum, the foregoing fourteen Companies have failed to remit regulatory fees and file annual reports (or complete annual reports).

## II. REQUEST FOR RELIEF

- 31 Staff asks the Commission to find that the Companies failed to comply with RCW 80.24.010, RCW 80.04.080, and WAC 480-120-382 by failing to pay regulatory fees and file annual reports (or complete annual reports).
- 32 Staff requests that the Commission, pursuant to its authority in WAC 480-121-060, revoke the registrations of the respondent telecommunications companies.

## III. PROBABLE CAUSE

- 33 Based on a review of Commission Staff's investigation report of Commission records pertaining to the submission of annual reports and regulatory fees by telecommunications companies, and consistent with RCW 80.01.060 and WAC 480-07-307, the Commission finds probable cause exists to issue this Complaint.

**IV. NOTICE OF HEARING**

34 **NOTICE IS HEREBY GIVEN that a hearing in this matter will be held on Monday, November 9, 2015, at 10:00 a.m., in Room 206, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.** If you are unable to attend the hearing in person, you may attend via the Commission’s teleconference bridge line at **360-664-3846**. Please appear on the teleconference bridge five minutes before the conference is scheduled to begin.

35 The Commission will hear this matter under the Administrative Procedure Act (APA) at RCW 34.05<sup>2</sup> and pursuant to the Commission’s procedural rules in WAC 480-07.<sup>3</sup> The Commission has jurisdiction over this matter pursuant to RCW 80.01, RCW 80.04, RCW 80.24,<sup>4</sup> and under WAC 480-120 and WAC 480-121.<sup>5</sup>

36 **THE COMMISSION GIVES FURTHER NOTICE that any party who fails to attend or participate in the hearing set by this notice, or any other stage of this proceeding, may be held in default in accordance with RCW 34.05.440 and WAC 480-07-450.**

37 If any party or witness needs an interpreter or other assistance, please fill out the form attached to this notice and return it to the Commission.

38 The names and mailing addresses of all known parties and their known representatives are as follows:

Complainant: Washington Utilities and  
Transportation Commission  
1300 S. Evergreen Park Drive S.W.  
PO Box 47250  
Olympia, WA 98504-7250

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<sup>2</sup> Authority can be found in statutes including but not limited to RCW 34.05.413, RCW 34.05.422, RCW 34.05.434, RCW 34.05.440, RCW 34.05.449, and RCW 34.05.452.

<sup>3</sup> Authority can be found in regulations including but not limited to WAC 480-07-145, WAC 480-07-150, WAC 480-07-305, WAC 480-07-440, WAC 480-07-450, WAC 480-07-470, WAC 480-07-490, and WAC 480-07-495.

<sup>4</sup> Authority can be found in statutes including but not limited to RCW 80.01.040, RCW 80.04.80, RCW 80.04.110, RCW 80.04.160, RCW 80.04.470, and RCW 80.24.010.

<sup>5</sup> Authority can be found in regulations including but not limited to WAC 480-120-011, WAC 480-120-382, WAC 480-120-385, and WAC 480-121-060.

Representative: Andrew J. O'Connell  
Assistant Attorney General  
1400 S. Evergreen Park Drive S.W.  
P.O. Box 40128  
Olympia, WA 98504-0128  
(360) 664-1192

Respondent: 321 Communications, Inc.  
PO Box 15557  
Brooksville, FL 34604

Respondent: Eman Networks  
PO Box 45188  
Tacoma, WA 98448

Respondent: Ernest Communications, Inc.  
2600 Maitland Center Parkway, Suite 300  
Maitland, FL 32751

Respondent: Greenfly Networks, Inc.  
450 Townsend Street  
San Francisco, CA 94107

Respondent: iBasis Retail, Inc.  
20 Second Avenue  
Burlington, MA 01803

Respondent: iNetworks Group, Inc.  
125 S. Wacker Drive, Suite 2510  
Chicago, IL 60606

Respondent: LDC Group, LLC  
4 Expressway Plaza, Suite 210  
Roslyn Heights, NY 11577

Respondent: Legacy Long Distance International, Inc.  
10833 Valley View Street, Suite 150  
Cypress, CA 90630

Respondent: Master Call Corporation  
39 Broadway, Suite 1850  
New York, NY 10006

- Respondent: Public Wireless, Inc.  
25 East Trimble Road  
San Jose, CA 95131
- Respondent: Tele Circuit Network Corporation  
PO Box 958283  
Duluth, GA 30095
- Respondent: Telecommunications Communications Services, Inc.  
585 Knotty Pine  
Incline Village, NV 89451
- Respondent: TELEXFREE, LLC  
225 Cedar Hill Rd  
Malborough, MA 01752
- Respondent: TTUSA Acquisition, Inc.  
4345 E. Lowell Street, Suite B  
Ontario, CA 91761
- Respondent: Umpqua Indian development Corp.  
288 S. Pacific Highway  
Talent, OR 97540

39 Rayne Pearson is appointed as the Administrative Law Judge from the Utilities and Transportation Commission's Administrative Law Division, 1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504-7250, and will preside at the hearing.

40 Notice of any other procedural phase will be given in writing or on the record as the Commission may deem appropriate during the course of this proceeding.

DATED at Olympia, Washington, and effective October 5, 2015.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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GREGORY J. KOPTA  
Director, Administrative Law Division



Inquiries may be addressed to:

Executive Director and Secretary  
Washington Utilities and  
Transportation Commission  
Richard Hemstad Building  
1300 S. Evergreen Park Drive S.W.  
P. O. Box 47250  
Olympia, WA 98504-7250  
(360) 664-1160

**NOTICE**

PLEASE NOTE: The hearing facilities are accessible to interested people with disabilities; that smoking is prohibited; and, if limited English-speaking or hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

The information needed to provide an appropriate interpreter or other assistance should be stated below and returned to Washington Utilities and Transportation Commission, Attention: Steven V. King, 1300 S. Evergreen Park Drive SW, P.O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket: \_\_\_\_\_

Case Name: \_\_\_\_\_

Hearing Date: \_\_\_\_\_ Hearing Location: \_\_\_\_\_

Primary Language: \_\_\_\_\_

Hearing Impaired: (Yes) \_\_\_\_\_ (No) \_\_\_\_\_

Do you need a certified sign language interpreter?

Visual \_\_\_\_\_ Tactile \_\_\_\_\_

Other type of assistance needed: \_\_\_\_\_

English-speaking person who can be contacted if there are questions:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone No.: (\_\_\_\_\_) \_\_\_\_\_