

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

In the Matter of the Penalty Assessment)	DOCKET UT-060977
Against)	
)	
GLOBALCOM, INC. d/b/a GCI)	ORDER 12
GLOBALCOM, 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 Globalcom, Inc., d/b/a GCI Globalcom, Inc., (Globalcom) 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 September 13, 2006, Globalcom filed a petition for mitigation and waived a hearing. Globalcom requested that the Commission waive or reduce the \$100 penalty because the untimely filing was an isolated event. Globalcom asserted that its corporate headquarters had been relocated and additional duties were assigned to the clerk responsible for filing annual reports which contributed to the untimely filing.

3 **Answer:** On September 27, 2006, Commission Staff filed a response to the petition for mitigation. Staff stated that Globalcom was granted registration effective June 28, 2000. Staff asserted that the late filing of its 2005 annual report was not an isolated event. Staff asserted that the reporting year 2000 was the only year Globalcom timely filed its annual report since Globalcom was granted registration. In addition, Staff asserted that the application for mitigation was not timely filed. Staff argued that the application for mitigation should have been filed no later than July 25, 2006. Staff opposed mitigation of the penalty.

4 **Commission Decision:** The Commission denies the petition. Globalcom’s untimely filing of its 2005 annual report is not an isolated incident. Globalcom has not

submitted its annual report in a timely manner for the past five years. This record is indicative of a chronic problem that Globalcom needs to remedy prior to the next filing date.

- 5 Globalcom's inattention to filing deadlines extended to its application for mitigation. According to the notice of penalty assessment, Globalcom was advised that it had 15 days from receipt of the notice to submit an application for mitigation. The registered agent for Globalcom received the notice of penalty assessment on July 10, 2006. Accordingly, any application for mitigation should have been filed with the Commission no later than July 25, 2006. Globalcom did not file its application for mitigation until 19 days later.
- 6 Moreover, the notice of penalty assessment requires Globalcom to submit its response to the penalty assessment under oath and advises the company that making a false statement under oath is a class B felony. *RCW 9A.72.020*. The full text of *RCW 9A.72.020* is printed on the document. Based on the Commission's records of Globalcom's annual filings, it apparent that the application for mitigation was not truthful. Globalcom is placed on notice that making a false statement to the Commission is a serious offense. Globalcom must take appropriate action to ensure that such behavior is not repeated or the Commission may take further action.
- 7 Accordingly, the request for penalty mitigation is denied.
- 8 It is so ordered.

DATED at Olympia, Washington, and effective October 6, 2006.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN
Executive Secretary