

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

In the Matter of the Penalty Assessment)	DOCKET UT-060977
Against)	
)	
SYNIVERSE TECHNOLOGIES, INC.,)	ORDER 13
)	
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 Syniverse Technologies, Inc. (Syniverse) 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 31, 2006, Syniverse filed a petition for mitigation and waived a hearing. Syniverse requested that the Commission waive or reduce the \$100 penalty because it does not recall receiving the letter dated May 1, 2006, and that it was an administrative oversight. In addition, Syniverse asserted that it did not derive any revenue from intrastate telecommunications in Washington. Syniverse submitted its 2005 annual report on July 31, 2006.

- 3 **Answer:** On August 8, 2006, Commission Staff filed a response to the petition for mitigation. Staff stated that the 2005 Annual Report and 2006 Regulatory Fee packet was sent to local and competitive telecommunications companies on March 3, 2006 not May 1. Staff argued that the annual report packet and the penalty assessment were both mailed to the same address and because Syniverse received the penalty assessment, the company should have received the annual report packet as well. In addition, Staff asserted the \$100 penalty was assessed for failure to file the annual report timely and is independent of the revenue a company earns. Staff asserts although Syniverse’s 2005 annual report was received on July 31, 2006, it failed to include the required 2006 Regulatory Fee Calculation Sheet. Staff opposes mitigation of the penalty.

4 **Commission Decision:** The Commission denies the petition. Because the annual report packet and penalty assessment were mailed to the same address and Syniverse received the penalty assessment, it stands to reason that the company received the annual report packet as well. This is not inconsistent with Syniverse's plea that it does not recall receiving the materials.

5 Even if the company did not receive the materials, it is not absolved from the obligation to secure the materials and make the filings that are required by law.

6 Finally, the company's failure to do business in the state, although authorized, does not absolve it from the filing, which is a condition of retaining the authority to actually conduct business.

7 The plea for mitigation is denied.

8 It is so ordered.

DATED at Olympia, Washington, and effective October 10, 2006.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN
Executive Secretary