

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

WTI, LLC,

Respondent.

DOCKET UT-080455

DECLARATION OF
SHERI HOYT

SHERI HOYT, under penalty of perjury under the laws of the state of Washington, declares as follows:

1. I am over 18 years of age, a citizen of the United States, a resident of the state of Washington, and competent to be a witness.
2. I am employed by the Washington Utilities and Transportation Commission (Commission) as a Compliance Investigator in the Compliance Investigations Section. I have been employed at the Commission for 17 years, holding various positions. As a Compliance Investigator, my responsibilities include conducting investigations regarding the business practices of regulated utility or transportation companies. As part of those duties, I investigate telecommunications carriers that may be operating in violation of Commission statute, rule, or tariff.
3. In December 2008, I completed an investigation into WTI, LLC's (WTI) cessation of dial-tone service, in this docket. I prepared the Staff Investigation Report ("Investigation Report") documenting Staff's findings, which is attached to my declaration as Exhibit 1. This document was also attached to the Complaint and Notice of Prehearing Conference filed by the Commission. The information contained therein is true and correct to the best of my knowledge.
4. Through my investigation, I determined that WTI committed 73 violations of Commission rules. WTI ceased providing dial-tone service to customers in Washington state without providing proper written notice to customers, and to the Commission, in violation of several provisions of WAC 480-120-083. In addition, WTI failed to respond to eight Commission-referred service-affecting complaints within two business days in accordance with WAC 480-120-166(6), for a total of 53 violations of that rule. My findings are detailed in Exhibit 1, and summarized in the paragraphs below:

5. WAC 480-120-166(6). My investigation determined that WTI committed 53 violations of WAC 480-120-166(6). Each day in which WTI was in violation of WAC 480-120-166(6) with respect to Commission-referred complaint Nos. 102458, 102910, 102917, 102918, 102922, 102924, 102970 and 102037, is a separate violation. See, in particular, Exhibit 1, pages 7 - 8, and 23 - 25, and complaint records documenting the violations on pages 26 - 70.
6. WAC 480-120-083(2)(a). My investigation determined that WTI committed one violation of WAC 480-120-083(2)(a) by failing to provide written notice to the Commission of its February 10, 2008, cessation of dial-tone service in compliance with the rule. See, in particular, Exhibit 1, pages 8 - 9, and 11.
7. WAC 480-120-083(2)(c). My investigation determined that WTI committed eight violations of WAC 480-120-083(2)(c) by failing to provide customers identified in Commission-referred complaint Nos. 102458, 102616, 102910, 102917, 102918, 102922, 102924 and 103037, with written notice at least 30 days in advance of cessation of service. See, in particular, Exhibit 1, pages 8, 11, and complaint records on pages 26 - 70.
8. WAC 480-120-083(3). My investigation determined that WTI committed one violation of WAC 480-120-083(3) by failing to provide the proper written notice to the Commission of its April 15, 2008, cessation of dial-tone service. In particular, although WTI provided a copy of its customer notice to the Commission, the notice did not contain all the information required by the rule. See, in particular, Exhibit 1, pages 10 - 11, and 75.
9. WAC 480-120-083(4)(c). My investigation determined that WTI committed three violations of WAC 480-120-083(4)(c) by failing to include in notices to customers identified in Commission-referred complaint Nos. 102458, 102918 and 103037, an explanation of how those customers may receive a refund on any unused service. See, in particular, Exhibit 1, pages 8 and 22, and complaint records on pages 26 - 28, 42 - 48, and 65 - 70.
10. WAC 480-120-083(4)(d). My investigation determined that WTI committed seven violations of WAC 480-120-083(4)(d) by failing to provide to customers identified in Commission-referred complaint Nos. 102458, 102616, 102918, 102922, 102970 and 103037, a second notice by either of the methods required by the rule. See, in particular, Exhibit 1, pages 8 and 11, and complaint records on pages 26 - 70.
11. As a result of my investigation, Staff recommended the Commission issue a \$73,000 penalty to WTI as provided under RCW 80.04.380: \$53,000 for 53 violations of WAC 480-120-166(6) and \$20,000 for 20 violations of various provisions of WAC 480-120-083 (18 recorded in consumer complaints received in 2008 and an additional two recorded in my investigation for WTI's failure to provide proper notice to the Commission when it ceased providing service in both

Qwest Corporation and Verizon Northwest, Inc., service territories.) See Exhibit 1, pages 4 and 12. I recommend that the Commission penalize WTI \$73,000 for these violations.

DATED this day of April 2009 at Olympia, Washington.

SHERI HOYT