

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

WASHINGTON UTILITIES AND	)	DOCKET UT-101620
TRANSPORTATION COMMISSION,)	
	)	ORDER 01
Complainant,)	
	)	INITIAL ORDER GRANTING
v.	)	REQUEST TO DISMISS
	)	COMPLAINT AGAINST EMAN
AMERICOM TECHNOLOGIES, INC.,	)	NETWORKS, ETHOS
ANDIAMO TELECOM, LLC, ASIA	)	COMMUNICATIONS GROUP, INC.,
TALK TELECOM, INC., DIGITLINE	)	NORSTAR
EXPRESS, LLC, ELITE TELNET, LLC,	)	TELECOMMUNICATIONS, LLC,
EMAN NETWORKS, ETHOS	)	ROYAL COMMUNICATIONS,
COMMUNICATIONS GROUP, INC.,	)	LLC, TELENATIONAL
NETWORK US, INC., NORSTAR	)	COMMUNICATIONS, INC., AND
TELECOMMUNICATIONS, LLC, NW	)	TELMEX USA, LLC; GRANTING
TELECOM, LLC, ROYAL	)	REQUEST TO FIND REMAINING
COMMUNICATIONS, LLC, SYMTELCO,	)	COMPANIES IN DEFAULT AND
LLC, TELENATIONAL	)	REVOKING REGISTRATION FOR
COMMUNICATIONS, INC., TELMEX	)	FAILURE TO FILE ANNUAL
USA, LLC AND UNI-TEL	)	REPORT AND PAY
COMMUNICATIONS GROUP, INC.	)	REGULATORY FEES
Respondents.)	
)	
.....)	

1 **Synopsis:** *This is an Administrative Law Judge’s Initial Order that is not effective unless approved by the Commission or allowed to become effective as described in the notice at the end of this Order. This Initial Order grants the request to dismiss the complaint against Eman Networks, Ethos Communications Group, Inc., Norstar Telecommunications, LLC, Royal Communications, LLC, Telenational Communications, Inc., and Telmex USA, LLC. In addition, the Order grants the request to find the nine other telecommunications companies named in this complaint in default and revokes their registrations for failure to file annual reports for 2009 and pay regulatory fees for 2010.*

2 **Nature of Proceedings.** This proceeding involves a complaint seeking revocation of registration of certain named telecommunications companies for failure to submit annual reports for 2009 and failure to pay regulatory fees for 2010.

3 **Appearances:** Greg Trautman, Assistant Attorney General, Olympia, Washington represents the Washington Utilities and Transportation Commission's (Commission) regulatory staff (Staff).¹ None of the telecommunications companies named in the complaint appeared at the hearing.

4 **Background and Procedural History.** On November 19, 2010, the Commission entered a complaint against Americom Technologies, Inc. (Americom); Andiamo Telecom, LLC (Andiamo); Asia Talk Telecom, Inc. (Asia Talk); DigitLine Express, LLC (DigitLine); Elite Telnet, LLC (Elite); Eman Networks (Eman); Ethos Communications Group, Inc. (Ethos); Network US, Inc. (Network US); Norstar Telecommunications, LLC (Norstar); NW Telecom, LLC (NW Telecom); Royal Communications, LLC (Royal); Symtelco, LLC (Symtelco); Telenational Communications, Inc. (Telenational); Telmex USA, LLC (Telmex); and Uni-Tel Communications Group, Inc. (Uni-Tel). The complaint alleges that each company failed to timely file required annual reports for 2009 and also failed to pay regulatory fees for 2010. 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.

5 The complaint was heard on due and proper notice to all parties on February 2, 2011, in Olympia, Washington. During the hearing, Staff presented the testimony of Sheri Hoyt, Compliance Specialist in the Compliance Investigation Section of the Commission. None of the telecommunications companies named in the complaint appeared or presented testimony.

DISCUSSION AND DECISION

6 **Applicable Law.** Every public service company operating in Washington is required to file an annual report that sets forth the company's operations during the preceding year. RCW 80.04.080. Every public service company subject to regulation by the Commission must also pay a regulatory fee each year on or before the date specified by the Commission. RCW 80.24.010. Commission rules require all telecommunications companies to file annual reports and pay regulatory fees by May 1. WAC 480-120-382.

¹ 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.*

The Commission may revoke the registration of a telecommunications company for good cause, which includes, but is not limited to the failure to file an annual report or pay regulatory fees. WAC 480-121-060. Any party that fails to attend or participate in a hearing scheduled by the Commission may be held in default. RCW 34.05.440 and WAC 480-07-450.

7 **Motion to Dismiss – Six Companies Now in Compliance.** At the hearing, Staff moved to dismiss the complaint against the following six companies that had filed their annual reports for 2009 and paid their regulatory fees for 2010 prior to the date of the hearing: Eman Networks (Eman); Ethos Communications Group, Inc. (Ethos); Norstar Telecommunications, LLC (Norstar); Royal Communications, LLC (Royal); Telenational Communications, Inc. (Telenational); and Telmex USA, LLC (Telmex).² In accordance with WAC 480-07-495, the Commission grants this request.

8 **Default.** With respect to the remaining telecommunications companies named in the complaint, Staff moved that they be held in default for failure to appear at hearing. The record reflects that all of these companies received notice of the hearing by certified mail at their last known address and failed to appear or otherwise respond to the complaint. Therefore, the presiding ALJ granted the motion. Even so, Staff requested that the Commission hear and dispose of the substantive issues brought in the complaint against these companies.

9 **Complaint.** Ms. Sheri Hoyt testified that the Financial Services Section of the Commission provides her with a list of all companies that are delinquent in filing their annual reports or paying their regulatory fees. The list is generated by the Commission's Annual Report Tracking System (ARTS). Ms. Hoyt reviewed ARTS data for each company named in the complaint as late as the morning of the hearing, February 2, 2011, and determined that none of the nine remaining companies named in the complaint had paid their outstanding annual report penalties.

10 *Americom Technologies, Inc.* Americom is a public service company as defined in RCW 80.04.010. Americom provides telecommunications services in Washington for compensation and is registered under RCW 80.36 and WAC 480-121 as a

² See Exh. 1 (Eman Networks), Exh. 2 (Ethos Communications Group), Exh. 3 (Norstar Telecommunications.), Exh. 4 (Royal Communications.), Exh. 5 (Telenational Communications) and Exh. 6 (Telmex USA).

telecommunications company. Americom is required to submit annual reports to the Commission and pay regulatory fees.³ The Commission may revoke a registration, after notice and opportunity for hearing, for good cause.⁴ Good cause includes the failure to file an annual report or pay regulatory fees.⁵ A review of the Commission's files and records shows that Americom failed to timely file its annual report due on May 1, 2010, and failed to pay it regulatory fees for 2010. Moreover, Americom failed to appear at the time and place scheduled for hearing in this matter and is in default. Accordingly, Americom's registration should be revoked.

11 *Andiamo Telecom, LLC*. Andiamo is a public service company as defined in RCW 80.04.010. Andiamo provides telecommunications services in Washington for compensation and is registered under RCW 80.36 and WAC 480-121 as a telecommunications company. According to WAC 480-120-382, Andiamo is required to file annual reports and pay regulatory fees. The Commission may revoke a registration, after notice and opportunity for hearing, for good cause including failure to file annual reports and/or pay regulatory fees. A review of the Commission's files and records shows that Andiamo failed to timely file its annual report due on May 1, 2010, and failed to pay it regulatory fees for 2010. Andiamo also failed to appear at the time and place scheduled for hearing in this matter and is in default. Accordingly, Andiamo's registration should be revoked.

12 *Asia Talk Telecom, Inc*. Asia Talk is a public service company as defined in RCW 80.04.010. Asia Talk provides telecommunications services in Washington for compensation and is registered under RCW 80.36 and WAC 480-121 as a telecommunications company. According to WAC 480-120-382, Asia Talk is required to file annual reports and pay regulatory fees. The Commission may revoke a registration, after notice and opportunity for hearing, for good cause including failure to file annual reports and/or pay regulatory fees. A review of the Commission's files and records shows that Asia Talk failed to timely file its annual report due on May 1, 2010, and failed to pay it regulatory fees for 2010. Asia Talk also failed to appear at the time

³ WAC 480-120-382.

⁴ WAC 480-120-060.

⁵ *Id.*

and place scheduled for hearing in this matter and is in default. Accordingly, Asia Talk's registration should be revoked.

- 13 *DigitLine Express, LLC*. DigitLine is a public service company as defined in RCW 80.04.010. DigitLine provides telecommunications services in Washington for compensation and is registered under RCW 80.36 and WAC 480-121 as a telecommunications company. According to WAC 480-120-382, DigitLine is required to file annual reports and pay regulatory fees. The Commission may revoke a registration, after notice and opportunity for hearing, for good cause including failure to file annual reports and/or pay regulatory fees. A review of the Commission's files and records shows that DigitLine failed to timely file its annual report due on May 1, 2010, and failed to pay its regulatory fees for 2010. DigitLine also failed to appear at the time and place scheduled for hearing in this matter and is in default. Accordingly, DigitLine's registration should be revoked.
- 14 *Elite Telnet, LLC*. Elite is a public service company as defined in RCW 80.04.010. Elite provides telecommunications services in Washington for compensation and is registered under RCW 80.36 and WAC 480-121 as a telecommunications company. According to WAC 480-120-382, Elite is required to file annual reports and pay regulatory fees. The Commission may revoke a registration, after notice and opportunity for hearing, for good cause including failure to file annual reports and/or pay regulatory fees. A review of the Commission's files and records shows that Elite failed to timely file its annual report due on May 1, 2010, and failed to pay its regulatory fees for 2010. Elite also failed to appear at the time and place scheduled for hearing in this matter and is in default. Accordingly, Elite's registration should be revoked.
- 15 *Network US, Inc*. Network US is a public service company as defined in RCW 80.04.010. Network US provides telecommunications services in Washington for compensation and is registered under RCW 80.36 and WAC 480-121 as a telecommunications company. According to WAC 480-120-382, Network US is required to file annual reports and pay regulatory fees. The Commission may revoke a registration, after notice and opportunity for hearing, for good cause including failure to file annual reports and/or pay regulatory fees. A review of the Commission's files and records shows that Network US failed to timely file its annual report due on May 1, 2010, and failed to pay its regulatory fees for 2010. Network US also failed to appear at

the time and place scheduled for hearing in this matter and is in default. Accordingly, Network US's registration should be revoked.

- 16 *NW Telecom, LLC.* NW Telecom is a public service company as defined in RCW 80.04.010. NW Telecom provides telecommunications services in Washington for compensation and is registered under RCW 80.36 and WAC 480-121 as a telecommunications company. According to WAC 480-120-382, NW Telecom is required to file annual reports and pay regulatory fees. The Commission may revoke a registration, after notice and opportunity for hearing, for good cause including failure to file annual reports and/or pay regulatory fees. A review of the Commission's files and records shows that NW Telecom failed to timely file its annual report due on May 1, 2010, and failed to pay its regulatory fees for 2010. NW Telecom also failed to appear at the time and place scheduled for hearing in this matter and is in default. Accordingly, NW Telecom's registration should be revoked.
- 17 *Symtelco, LLC.* Symtelco is a public service company as defined in RCW 80.04.010. Symtelco provides telecommunications services in Washington for compensation and is registered under RCW 80.36 and WAC 480-121 as a telecommunications company. According to WAC 480-120-382, Symtelco is required to file annual reports and pay regulatory fees. The Commission may revoke a registration, after notice and opportunity for hearing, for good cause including failure to file annual reports and/or pay regulatory fees. A review of the Commission's files and records shows that Symtelco failed to timely file its annual report due on May 1, 2010, and failed to pay its regulatory fees for 2010. Symtelco also failed to appear at the time and place scheduled for hearing in this matter and is in default. Accordingly, Symtelco's registration should be revoked.
- 18 *Uni-Tel Communications Group, Inc.* Uni-Tel is a public service company as defined in RCW 80.04.010. Uni-Tel provides telecommunications services in Washington for compensation and is registered under RCW 80.36 and WAC 480-121 as a telecommunications company. According to WAC 480-120-382, Uni-Tel is required to file annual reports and pay regulatory fees. The Commission may revoke a registration, after notice and opportunity for hearing, for good cause including failure to file annual reports and/or pay regulatory fees. A review of the Commission's files and records shows that Uni-Tel failed to timely file its annual report due on May 1, 2010, and failed to pay its regulatory fees for 2010. Uni-Tel also failed to appear at the time and place

scheduled for hearing in this matter and is in default. Accordingly, Uni-Tel's registration should be revoked.

FINDINGS OF FACT

- 19 Having discussed above in detail the evidence received in this proceeding concerning all material matters, and having stated above our findings and conclusions upon issues in dispute among the parties and the reasons supporting the findings and conclusions, the Commission now makes and enters the following summary findings of fact, incorporating by reference pertinent portions of the preceding detailed findings.
- 20 (1) The Washington Utilities and Transportation 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.
- 21 (2) Americom Technologies, Inc.; Andiamo Telecom, LLC; Asia Talk Telecom, Inc.; DigitLine Express, LLC; Elite Telnet, LLC; Eman Networks; Ethos Communications Group, Inc.; Network US, Inc.; Norstar Telecommunications, LLC; NW Telecom, LLC; Royal Communications, LLC; Symtelco, LLC; Telenational Communications, Inc.; Telmex USA, LLC; and Uni-Tel Communications Group, Inc. each are a "public service company" and "telecommunications company" as those terms are defined and used in RCW Title 80.
- 22 (3) On November 19, 2010, the Commission entered a complaint and notice of hearing. The complaint against each of the above-named telecommunications companies sought revocation of the company's registration for failure to file an annual report for 2009 and failure to pay regulatory fees for 2010. The notice of hearing scheduled a hearing to convene on February 2, 2011, in Olympia, Washington.
- 23 (4) After the Commission served the complaint, Eman Networks; Ethos Communications Group, Inc.; Norstar Telecommunications, LLC; Royal Communications, LLC; Telenational Communications, Inc.; and Telmex USA, LLC each filed their 2009 annual reports and paid their regulatory fees for 2010.

- 24 (5) Americom Technologies, Inc.; Andiamo Telecom, LLC; Asia Talk Telecom, Inc.; DigitLine Express, LLC; Elite Telnet, LLC; Network US, Inc.; NW Telecom, LLC; Syntelco, LLC; and Uni-Tel Communications Group, Inc. each failed to appear at the hearing held on February 2, 2011.
- 25 (6) Americom Technologies, Inc.; Andiamo Telecom, LLC; Asia Talk Telecom, Inc.; DigitLine Express, LLC; Elite Telnet, LLC; Network US, Inc.; NW Telecom, LLC; Syntelco, LLC; and Uni-Tel Communications Group, Inc. each failed to file an annual report for 2009 and also failed to pay regulatory fees for 2010.

CONCLUSIONS OF LAW

- 26 Having discussed above all matters material to this decision, and having stated detail findings, conclusions, and the reasons therefore, the Commission now makes the following summary conclusions of law incorporating by reference pertinent portions of the preceding detailed conclusions.
- 27 (1) The Washington Utilities and Transportation Commission has jurisdiction over the subject matter of, and the parties to, this proceeding. RCW Title 80.
- 28 (2) The Commission may, after notice and opportunity for hearing, revoke the registration of any telecommunications company for good cause. WAC 480-121-060.
- 29 (3) Eman Networks; Ethos Communications Group, Inc.; Norstar Telecommunications, LLC; Royal Communications, LLC; Telenational Communications, Inc.; and Telmex USA, LLC each filed their 2009 annual reports and paid their regulatory fees for 2010, bringing these six companies into compliance with state law and Commission regulations governing the filing of annual reports and payment of regulatory fees.
- 30 (4) Americom Technologies, Inc.; Andiamo Telecom, LLC; Asia Talk Telecom, Inc.; DigitLine Express, LLC; Elite Telnet, LLC; Network US, Inc.; NW Telecom, LLC; Syntelco, LLC; and Uni-Tel Communications Group, Inc. each failed to appear at the February 2, 2011, hearing in this matter and are in default. RCW 34.05.440 and WAC 480-07-450.

- 31 (5) The failure of Americom Technologies, Inc.; Andiamo Telecom, LLC; Asia Talk Telecom, Inc.; DigitLine Express, LLC; Elite Telnet, LLC; Network US, Inc.; NW Telecom, LLC; Symtelco, LLC; and Uni-Tel Communications Group, Inc. to timely file annual reports and pay regulatory fees constitutes good cause to revoke their registrations to operate in Washington state. RCW 80.04.010, RCW 80.04.080, and WAC 480-120-382.

ORDER

THE COMMISSION ORDERS THAT:

- 32 (1) The complaint against Eman Networks; Ethos Communications Group, Inc.; Norstar Telecommunications, LLC; Royal Communications, LLC; Telenational Communications, Inc.; and Telmex USA, LLC is dismissed;
- 33 (2) Americom Technologies, Inc.; Andiamo Telecom, LLC; Asia Talk Telecom, Inc.; DigitLine Express, LLC; Elite Telnet, LLC; Network US, Inc.; NW Telecom, LLC; Symtelco, LLC; and Uni-Tel Communications Group, Inc. are in default; and
- 34 (3) The registrations to provide telecommunications service in Washington held by Americom Technologies, Inc.; Andiamo Telecom, LLC; Asia Talk Telecom, Inc.; DigitLine Express, LLC; Elite Telnet, LLC; Network US, Inc.; NW Telecom, LLC; Symtelco, LLC; and Uni-Tel Communications Group, Inc. each are revoked for good cause.

DATED at Olympia, Washington, and effective February 3, 2011.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

ADAM E. TOREM
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:

Attn: David W. Danner, Executive Director and Secretary
Washington Utilities and Transportation Commission
P.O. Box 47250
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