

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

AFFORDABLE VOICE
COMMUNICATIONS, INC.,
AMERICAN CYBER CORPORATION
d/b/a DISCOUNT PLUS, AMERICAN
DIAL TONE, INC., AMERICAN FIBER
NETWORK, INC., ATLAS
NETWORKS, LLC, BLC
MANAGEMENT, LLC, d/b/a ANGLES
COMMUNICATIONS SOLUTIONS,
CENTEL COMMUNICATIONS, INC.,
COLEMAN ENTERPRISES, INC. d/b/a
LOCAL LONG DISTANCE, DEVINE
COMMUNICATIONS,
INCORPORATED, ENTELEAGENT
SOLUTIONS, INC., GROUP SIX
COMMUNICATIONS, LIFECONNEX
TELECOM, LLC, PACIFIC TELECOM
COMMUNICATIONS GROUP d/b/a
PACIFIC TELECOMMUNICATIONS
GROUP, INC., QX TELECOM LLC,
ROYAL COMMUNICATIONS, LLC,
SELECTEL, INC., TELEDATA
SOLUTIONS, INC., d/b/a TSI, TRIARCH
MARKETING, INC., TTC
TELECOMMUNICATIONS, LLC,

Respondents.

.....

) DOCKET UT-111529
)
)
) ORDER 01
)
)
)
) INITIAL ORDER GRANTING
) REQUEST TO DISMISS
) COMPLAINT AGAINST CENTEL
) COMMUNICATIONS, INC.,
) ENTELEAGENT SOLUTIONS, INC.,
) GROUP SIX COMMUNICATIONS,
) PACIFIC TELECOM
) COMMUNICATIONS GROUP,
) d/b/a PACIFIC
) TELECOMMUNICATIONS
) GROUP, INC., AND SELECTEL
) INC.; AND GRANTING REQUEST
) TO FIND REMAINING
) COMPANIES IN DEFAULT AND
) REVOKING REGISTRATION FOR
) FAILURE TO FILE ANNUAL
) REPORT AND PAY
) REGULATORY FEES

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 Centel Communications, Inc., Entelegent Solutions, Inc., Group Six Communications, Pacific Telecom Communications Group d/b/a Pacific Telecommunications Group, Inc., and Selectel, Inc. In addition, the Order grants the request to find the other fourteen telecommunications companies named in this complaint in default and revokes their registrations for failure to file annual reports for 2010 and pay regulatory fees.*

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 2010 and failure to pay regulatory fees.

3 **Appearances.** Michael Fassio, 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 September 22, 2011, the Commission entered a complaint against Affordable Voice Communications, Inc. (Affordable Voice); American Cyber Corporation d/b/a Discount Plus (Discount Plus); American Dial Tone, Inc. (American Dial Tone); American Fiber Network, Inc. (American Fiber Network); Atlas Networks, LLC (Atlas); BLC Management LLC d/b/a Angles Communications Solutions (Angles); Centel Communications, Inc. (Centel); Coleman Enterprises, Inc. d/b/a/ Local Long Distance (Local Long Distance); Devine Communications, Incorporated (Devine); Entelegent Solutions, Inc. (Entelegent); Group Six Communications (Group Six); Lifeconnex Telecom, LLC (Lifeconnex); Pacific Telecom Communications Group d/b/a Pacific Telecommunications Group Inc. (Pacific Telecommunications); QX Telecom LLC (QX); Royal Communications, LLC (Royal); SelecTel, Inc. (SelecTel); Teledata Solutions, Inc. d/b/a/ TSI (TSI); Triarch Marketing, Inc. (Triarch); and TTC Telecommunications, LLC (TTC). The complaint

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.

alleges that each company failed to timely file required annual reports for 2010 and also failed to pay regulatory fees. 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 December 5, 2011, in Olympia, Washington. During the hearing, Staff presented the testimony of Rayne Pearson, Compliance Investigator. 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. 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 – Five Companies Now in Compliance.** At the hearing, Staff moved to dismiss the complaint against the following five companies that had filed their annual reports for 2010 and paid their outstanding regulatory fees prior to the date of the hearing: Centel Communications, Inc. (Centel); Entelegent Solutions, Inc. (Entelegent); Group Six Communications (Group Six); Pacific Telecom Communications Group d/b/a Pacific Telecommunications Group Inc. (Pacific Telecommunications); and SelecTel, Inc. (SelecTel).² In accordance with WAC 480-07-495, the Commission grants this request. In addition to the five companies

² See Exhibits RP-1 and RP-2 (Centel), Exhibits RP-3 and RP-4 (Entelegent), Exhibits RP-5 and RP-6 (Group Six.), Exhibits RP-7 and RP-8 (Pacific Telecommunications), and Exhibits RP-9 and RP-10 (SelecTel).

dismissed by the granting of Staff's motion by the Commission, Staff for the record withdrew an allegation, alleged in error, in Paragraph 30 of the Complaint against Global Capacity Direct, LLC (Global Capacity), which was neither named as a respondent nor served.

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 the hearing. The record reflects that all of these companies were mailed 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. Rayne Pearson 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. Pearson reviewed ARTS data for each company named in the complaint as late as the morning of the hearing, December 5, 2011, and determined that none of the fourteen remaining companies named in the complaint had filed their annual reports for 2010 or paid their outstanding annual fees.

10 Affordable Voice Communications, Inc. Affordable Voice is a public service company as defined in RCW 80.04.010. Affordable Voice provides telecommunications services in Washington for compensation and is registered under RCW 80.36 and WAC 480-121 as a telecommunications company. As such and pursuant to WAC 480-120-382, Affordable Voice is required to submit annual reports to the Commission and pay regulatory fees. A review of the Commission's files and records shows that Affordable Voice failed to timely file its annual report due on May 1, 2011, and failed to pay its regulatory fees. Moreover, Affordable Voice failed to appear at the time and place scheduled for hearing in this matter and is in default. Accordingly, Affordable Voice's registration should be revoked.

11 American Cyber Corporation d/b/a Discount Plus. Discount Plus is a public service company as defined in RCW 80.04.010. Discount Plus provides telecommunications services in Washington for compensation and is registered under RCW 80.36 and WAC

480-121 as a telecommunications company. As such and pursuant to WAC 480-120-382, Discount Plus is required to file annual reports and pay regulatory fees. A review of the Commission's files and records shows that Discount Plus failed to timely file its annual report due on May 1, 2011, and failed to pay its regulatory fees. Discount Plus also failed to appear at the time and place scheduled for hearing in this matter and is in default. Accordingly, Discount Plus's registration should be revoked.

- 12 American Dial Tone, Inc. American Dial Tone is a public service company as defined in RCW 80.04.010. American Dial Tone provides telecommunications services in Washington for compensation and is registered under RCW 80.36 and WAC 480-121 as a telecommunications company. As such and pursuant to WAC 480-120-382, American Dial Tone is required to file annual reports and pay regulatory fees. A review of the Commission's files and records shows that American Dial Tone failed to timely file its annual report due on May 1, 2011, and failed to pay its regulatory fees. American Dial Tone also failed to appear at the time and place scheduled for hearing in this matter and is in default. Accordingly, American Dial Tone's registration should be revoked.
- 13 American Fiber Network, Inc. American Fiber Network is a public service company as defined in RCW 80.04.010. American Fiber Network provides telecommunications services in Washington for compensation and is registered under RCW 80.36 and WAC 480-121 as a telecommunications company. As such and pursuant to WAC 480-120-382, American Fiber Network is required to file annual reports and pay regulatory fees. A review of the Commission's files and records shows that American Fiber Network failed to timely file its annual report due on May 1, 2011, and failed to pay its regulatory fees. American Fiber Network also failed to appear at the time and place scheduled for hearing in this matter and is in default. Accordingly, American Fiber Network's registration should be revoked.
- 14 Atlas Networks, LLC. Atlas is a public service company as defined in RCW 80.04.010. Atlas provides telecommunications services in Washington for compensation and is registered under RCW 80.36 and WAC 480-121 as a telecommunications company. As such and pursuant to WAC 480-120-382, Atlas is required to file annual reports and pay regulatory fees. A review of the Commission's files and records shows that Atlas failed to timely file its annual report due on May 1, 2011, and failed to pay its regulatory

fees. Atlas also failed to appear at the time and place scheduled for hearing in this matter and is in default. Accordingly, Atlas's registration should be revoked.

- 15 BLC Management, LLC d/b/a Angles Communications Solutions. Angles is a public service company as defined in RCW 80.04.010. Angles provides telecommunications services in Washington for compensation and is registered under RCW 80.36 and WAC 480-121 as a telecommunications company. As such and pursuant to WAC 480-120-382, Angles is required to file annual reports and pay regulatory fees. A review of the Commission's files and records shows that Angles failed to timely file its annual report due on May 1, 2011, and failed to pay its regulatory fees. Angles also failed to appear at the time and place scheduled for hearing in this matter and is in default. Accordingly, Angles's registration should be revoked.
- 16 Coleman Enterprises, Inc. d/b/a/ Local Long Distance. Local Long Distance is a public service company as defined in RCW 80.04.010. Local Long Distance provides telecommunications services in Washington for compensation and is registered under RCW 80.36 and WAC 480-121 as a telecommunications company. As such and pursuant to WAC 480-120-382, Local Long Distance is required to file annual reports and pay regulatory fees. A review of the Commission's files and records shows that Local Long Distance failed to timely file its annual report due on May 1, 2011, and failed to pay its regulatory fees. Local Long Distance also failed to appear at the time and place scheduled for hearing in this matter and is in default. Accordingly, Local Long Distance's registration should be revoked.
- 17 Devine Communications, Incorporated. Devine is a public service company as defined in RCW 80.04.010. Devine provides telecommunications services in Washington for compensation and is registered under RCW 80.36 and WAC 480-121 as a telecommunications company. As such and pursuant to WAC 480-120-382, Devine is required to file annual reports and pay regulatory fees. A review of the Commission's files and records shows that Devine failed to timely file its annual report due on May 1, 2011, and failed to pay its regulatory fees. Devine also failed to appear at the time and place scheduled for hearing in this matter and is in default. Accordingly, Devine's registration should be revoked.
- 18 Lifeconnex Telecom, LLC. Lifeconnex is a public service company as defined in RCW 80.04.010. Lifeconnex provides telecommunications services in Washington for

compensation and is registered under RCW 80.36 and WAC 480-121 as a telecommunications company. As such and pursuant to WAC 480-120-382, Lifeconnex is required to file annual reports and pay regulatory fees. A review of the Commission's files and records shows that Lifeconnex failed to timely file its annual report due on May 1, 2011, and failed to pay its regulatory fees. Lifeconnex also failed to appear at the time and place scheduled for hearing in this matter and is in default. Accordingly, Lifeconnex's registration should be revoked.

- 19 QX Telecom, LLC. QX is a public service company as defined in RCW 80.04.010. QX provides telecommunications services in Washington for compensation and is registered under RCW 80.36 and WAC 480-121 as a telecommunications company. As such and pursuant to WAC 480-120-382, QX is required to file annual reports and pay regulatory fees. A review of the Commission's files and records shows that QX failed to timely file its annual report due on May 1, 2011, and failed to pay its regulatory fees. QX also failed to appear at the time and place scheduled for hearing in this matter and is in default. Accordingly, QX's registration should be revoked.
- 20 Royal Communications, LLC. Royal is a public service company as defined in RCW 80.04.010. Royal provides telecommunications services in Washington for compensation and is registered under RCW 80.36 and WAC 480-121 as a telecommunications company. As such and pursuant to WAC 480-120-382, Royal is required to file annual reports and pay regulatory fees. A review of the Commission's files and records shows that Royal failed to timely file its annual report due on May 1, 2011, and failed to pay its regulatory fees. Royal also failed to appear at the time and place scheduled for hearing in this matter and is in default. Accordingly, Royal's registration should be revoked.
- 21 Teledata Solutions, Inc. d/b/a/ TSI. TSI is a public service company as defined in RCW 80.04.010. TSI provides telecommunications services in Washington for compensation and is registered under RCW 80.36 and WAC 480-121 as a telecommunications company. As such and pursuant to WAC 480-120-382, TSI is required to file annual reports and pay regulatory fees. A review of the Commission's files and records shows that TSI failed to timely file its annual report due on May 1, 2011, and failed to pay its regulatory fees. TSI also failed to appear at the time and

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

22 Triarch Marketing, Inc. Triarch is a public service company as defined in RCW 80.04.010. Triarch provides telecommunications services in Washington for compensation and is registered under RCW 80.36 and WAC 480-121 as a telecommunications company. As such and pursuant to WAC 480-120-382, Triarch is required to file annual reports and pay regulatory fees. A review of the Commission's files and records shows that Triarch failed to timely file its annual report due on May 1, 2011, and failed to pay its regulatory fees. Triarch also failed to appear at the time and place scheduled for hearing in this matter and is in default. Accordingly, Triarch's registration should be revoked.

23 TTC Telecommunications, LLC. TTC is a public service company as defined in RCW 80.04.010. TTC provides telecommunications services in Washington for compensation and is registered under RCW 80.36 and WAC 480-121 as a telecommunications company. As such and pursuant to WAC 480-120-382, TTC is required to file annual reports and pay regulatory fees. A review of the Commission's files and records shows that TTC failed to timely file its annual report due on May 1, 2011, and failed to pay its regulatory fees. TTC also failed to appear at the time and place scheduled for hearing in this matter and is in default. Accordingly, TTC's registration should be revoked.

FINDINGS OF FACT

24 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.

25 (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 telecommunication companies.

- 26 (2) Affordable Voice Communications, Inc.; American Cyber Corporation d/b/a Discount Plus; American Dial Tone, Inc.; American Fiber Network, Inc.; Atlas Networks, LLC; BLC Management LLC d/b/a Angles Communications Solutions; Centel Communications, Inc.; Coleman Enterprises, Inc. d/b/a/ Local Long Distance; Devine Communications, Incorporated; Entelegent Solutions, Inc.; Group Six Communications; Lifeconnex Telecom, LLC; Pacific Telecom Communications Group d/b/a Pacific Telecommunications Group Inc.; QX Telecom, LLC; Royal Communications, LLC; SelecTel, Inc.; Teledata Solutions, Inc. d/b/a/ TSI; Triarch Marketing, Inc.; and TTC Telecommunications, LLC are each a “public service company” and a “telecommunications company” as those terms are defined and used in RCW Title 80.
- 27 (3) On September 22, 2011, 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 2010 and failure to pay regulatory fees. The notice of hearing scheduled a hearing to convene on December 5, 2011, in Olympia, Washington.
- 28 (4) After the Commission served the complaint, Staff discovered that one of the companies named, SelecTel, Inc., had filed its 2010 annual report and paid its regulatory fees prior to the complaint being issued, and that Centel Communications, Inc.; Entelegent Solutions, Inc.; Group Six Communications; and Pacific Telecom Communications Group d/b/a Pacific Telecommunications Group Inc. had each filed their 2010 annual reports and paid their regulatory fees prior to the hearing in this matter.
- 29 (5) Affordable Voice Communications, Inc.; American Cyber Corporation d/b/a Discount Plus; American Dial Tone, Inc.; American Fiber Network, Inc.; Atlas Networks, LLC; BLC Management LLC d/b/a Angles Communications Solutions; Coleman Enterprises, Inc. d/b/a/ Local Long Distance; Devine Communications, Incorporated; Lifeconnex Telecom, LLC; QX Telecom LLC; Royal Communications, LLC; Teledata Solutions, Inc. d/b/a/ TSI; Triarch Marketing, Inc.; and TTC Telecommunications, LLC each failed to appear at the hearing held on December 5, 2011.

- 30 (6) Affordable Voice Communications, Inc.; American Cyber Corporation d/b/a Discount Plus; American Dial Tone, Inc.; American Fiber Network, Inc.; Atlas Networks, LLC; BLC Management LLC d/b/a Angles Communications Solutions; Coleman Enterprises, Inc. d/b/a/ Local Long Distance; Devine Communications, Incorporated; Lifeconnex Telecom, LLC; QX Telecom, LLC; Royal Communications, LLC; Teledata Solutions, Inc. d/b/a/ TSI; Triarch Marketing, Inc.; and TTC Telecommunications, LLC each failed to file an annual report for 2010 and also failed to pay regulatory fees.

CONCLUSIONS OF LAW

31 Having discussed above all matters material to this decision, and having stated detailed 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.

- 32 (1) The Washington Utilities and Transportation Commission has jurisdiction over the subject matter of, and the parties to, this proceeding.
- 33 (2) The Commission may, after notice and opportunity for hearing, revoke the registration of any telecommunications company for good cause.
- 34 (3) Centel Communications, Inc.; Entelegent Solutions, Inc.; Group Six Communications; Pacific Telecom Communications Group d/b/a Pacific Telecommunications Group Inc.; and SelecTel, Inc. each filed their 2010 annual reports and paid their regulatory fees, bringing these five companies into compliance with state law and Commission regulations governing the filing of annual reports and payment of regulatory fees.
- 35 (4) Affordable Voice Communications, Inc.; American Cyber Corporation d/b/a Discount Plus; American Dial Tone, Inc.; American Fiber Network, Inc.; Atlas Networks, LLC; BLC Management LLC d/b/a Angles Communications Solutions; Coleman Enterprises, Inc. d/b/a/ Local Long Distance; Devine Communications, Incorporated; Lifeconnex Telecom, LLC; QX Telecom, LLC; Royal Communications, LLC; Teledata Solutions, Inc. d/b/a/ TSI;

Triarch Marketing, Inc.; and TTC Telecommunications, LLC each failed to appear at the December 5, 2011, hearing in this matter and are in default.

- 36 (5) The failure of Affordable Voice Communications, Inc.; American Cyber Corporation d/b/a Discount Plus; American Dial Tone, Inc.; American Fiber Network, Inc.; Atlas Networks, LLC; BLC Management LLC d/b/a Angles Communications Solutions; Coleman Enterprises, Inc. d/b/a/ Local Long Distance; Devine Communications, Incorporated; Lifeconnex Telecom, LLC; QX Telecom LLC; Royal Communications, LLC; Teledata Solutions, Inc. d/b/a/ TSI; Triarch Marketing, Inc.; and TTC Telecommunications, LLC to timely file annual reports and pay regulatory fees constitutes good cause to revoke their registrations to operate in Washington.

ORDER

THE COMMISSION ORDERS THAT:

- 37 (1) The complaint against Centel Communications, Inc.; Entelegent Solutions, Inc.; Group Six Communications; Pacific Telecom Communications Group d/b/a Pacific Telecommunications Group Inc.; and SelecTel, Inc. is dismissed;
- 38 (2) Affordable Voice Communications, Inc.; American Cyber Corporation d/b/a Discount Plus; American Dial Tone, Inc.; American Fiber Network, Inc.; Atlas Networks, LLC; BLC Management, LLC d/b/a Angles Communications Solutions; Coleman Enterprises, Inc. d/b/a/ Local Long Distance; Devine Communications, Incorporated; Lifeconnex Telecom, LLC; QX Telecom LLC; Royal Communications, LLC; Teledata Solutions, Inc. d/b/a/ TSI; Triarch Marketing, Inc.; and TTC Telecommunications, LLC are in default; and
- 39 (3) The registrations to provide telecommunications service in Washington held by Affordable Voice Communications, Inc.; American Cyber Corporation d/b/a Discount Plus; American Dial Tone, Inc.; American Fiber Network, Inc.; Atlas Networks, LLC; BLC Management LLC d/b/a Angles Communications Solutions; Coleman Enterprises, Inc. d/b/a/ Local Long Distance; Devine Communications, Incorporated; Lifeconnex Telecom, LLC; QX Telecom LLC; Royal Communications, LLC; Teledata Solutions, Inc. d/b/a/ TSI; Triarch

Marketing, Inc.; and TTC Telecommunications, LLC each are revoked for good cause.

DATED at Olympia, Washington, and effective December 20, 2011.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARTIN LOVINGER
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
Olympia, Washington 98504-7250