

# WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

## NOTICE OF PENALTIES INCURRED AND DUE FOR VIOLATIONS OF LAWS RULES AND REGULATIONS

PENALTY ASSESSMENT NO: UT-020620

PENALTY AMOUNT: \$4,400

SIMPLY CELLULAR & TELEPHONE, LLC  
8040 N.E. SANDY BOULEVARD, SUITE #100B  
PORTLAND, OREGON 97213

The Commission has information which leads it to believe that you have committed one or more violations of Washington State Law or Commission regulation. Based on this information, the Commission hereby notifies you that it has assessed penalties upon you in the amount shown above under the provisions of Title 80 RCW, and the rules and regulations of the Washington Utilities and Transportation Commission. The violations that are the basis for this penalty assessment are drawn from Staff's Investigation Report, UT-020620, dated October 14, 2002, and are described as follows:

In five cases, Simply Cellular & Telephone, LLC did not provide a written notice prior to disconnecting its customers service, resulting in five violations of WAC 480-120-081(5)(a). Such conduct supports a penalty in the amount of **\$500**.

In five cases, Simply Cellular & Telephone, LLC did not provide a second notice prior to disconnecting its customers service, resulting in five violations of WAC 480-120-081(5)(b). Such conduct supports a penalty in the amount of **\$500**.

In thirty-one cases, Simply Cellular & Telephone, LLC overcharged and undercharged its customers for services listed in its current price list, and charged customers rates not listed in its current price list, resulting in thirty-one violations of RCW 80.36.130(1). Such conduct supports a penalty in the amount of **\$3,100**.

In two cases, Simply Cellular & Telephone, LLC was delinquent in submitting its annual reports, including the applicable fees, for calendar years 2000 and 2001, resulting in two violations of WAC 480-120-033. Such conduct supports a penalty in the amount of **\$200**.

In one case, Simply Cellular & Telephone, LLC did not provide a refund to its customer, resulting in one violation of WAC 480-120-116. Such conduct supports a penalty in the amount of **\$100**.

Penalties are due and payable upon receipt of this penalty notice. If for any reason you believe the violations described did not occur, or that you have an explanation as to why they occurred, or have other facts you believe the Commission should have considered, the law provides that you may make application for mitigation of this penalty. To do so, complete the enclosed mitigation form and return it to the Washington Utilities and Transportation Commission, Post Office Box 47250, Olympia, Washington 98504-7250, within **fifteen** (15) days of your receipt of this penalty notice.

If you want a hearing to contest the occurrence of the violation or the amount of the penalty, you may request one in your request for mitigation. If you request a hearing, please state why you believe a hearing is called for in your circumstances. The Commission will consider your plea and notify you of its determination.

Failure to return the mitigation plea or pay the amount due within 15 days will cause the Commission to refer this matter to the Office of the Attorney General for collection. Suit may then be brought against you and after trial, judgment may be entered against you.

DATED at Olympia, Washington and effective this                      day of February, 2003.

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner

Attachments:

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

APPLICATION FOR MITIGATION OF PENALTIES

I have read and understand RCW 9.72.030, which prescribes penalties for making false affidavits (printed below), and hereby make, under oath, application for mitigation of the penalties (as described on the attached form), for the following reasons:

**NOTE:** This form must be completed, signed and notarized, and received by the Commission within 15 days of your receipt of this form.

I swear that the foregoing is a true and complete statement of the facts in this case.

\_\_\_\_\_  
Signature of Applicant

Sworn to and subscribed before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC in and for the  
State of Washington, residing in  
\_\_\_\_\_

RCW 9.72.030:

"Perjury-Second Degree: Every person who, whether orally or in writing, and whether as a volunteer or in a proceeding or investigation authorized by law, shall knowingly swear falsely concerning any matter whatsoever shall be guilty of perjury in the second degree and shall be punished by imprisonment in the state penitentiary for not more than five years or by imprisonment in the county jail for not more than one year."

