

Maxcess, Inc. – UT-031842
Staff Investigation - Annual Report/Regulatory Fees
November 21, 2003

Purpose

The purpose of this investigation is to determine if Maxcess, Inc. (Maxcess) is in violation of WAC 480-120-303 which requires public service companies to furnish annual reports to the Commission no later than May 1 each year.

Background

This investigation was prompted by Staff's yearly review of annual reports and regulatory fees for telecommunications companies registered in the state of Washington.

On March 6, 2003, the Commission mailed 2002 Annual Report forms and 2003 Regulatory Fee packets to local and competitive telecommunications companies registered in Washington State. A letter signed by Carole Washburn instructed companies to file annual reports and pay regulatory fees by May 1, 2003. Companies requesting an extension were asked to do so prior to May 1, providing a reason for the requested extension (Appendix A).

On June 5, 2003, a letter signed by Carole Washburn was sent to each telecommunications company that had not filed an annual report by May 1, 2003. The letter stated that Staff intended to recommend enforcement action, including possible penalties and/or suspension or revocation of authority, for any company that failed to file a completed annual report (Appendix B).

In September 2003, Licensing Services Staff reviewed annual reports for registered telecommunications companies, and compiled a list of companies that were out of compliance. On September 30, 2003, Carole Washburn, Executive Secretary, signed a Notice of Impending Revocation of Registration as a Telecommunications Company and Opportunity to Request a Hearing (Appendix C) to all companies out of compliance. The notice advised these companies to, within 30 days of service of the notice, take one of two actions. First, companies could submit annual reports. Second, companies could request a hearing to demonstrate why the company's registration should not be revoked. Failure to respond would have resulted in the Commission revoking the company's registration without further notice.

Investigation

As of May 1, 2003, Maxcess had not filed its 2002 annual report. The Commission mailed a Notice of Impending Revocation of Registration as a Telecommunications

Company and Opportunity to Request a Hearing to the Company on September 30, 2003. Subsequently, Maxcess filed its annual report on October 6, 2003.

In the course of the investigation, Staff's review of the Company's records found that Maxcess filed its 2001 annual report late. The report and fee were due May 1, 2002; Maxcess filed the report on September 3, 2002.

Recommendation:

Penalize Maxcess \$100.00 for a violation of WAC 480-120-303.

Appendix A



STATE OF WASHINGTON

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250
(360) 664-1160 • TTY (360) 586-8203

March 6, 2003

Subject: 2002 Annual Report/2003 Regulatory Fees

Enclosed is your 2002 Local and Competitive Telecommunications annual report form. Every company subject to regulation by the Washington Utilities and Transportation Commission (Commission) must file an annual report. This annual report details gross intrastate operating revenue for the preceding calendar year. Regulatory fees based on that revenue are collected for the current year per RCW 80.24.010 and RCW 80.04.080. The regulatory fee order and annual report forms are available on the Commission's web site at www.wutc.wa.gov. The Commission will also send a paper copy of the approved order and additional annual report forms upon request.

You must file your annual report and pay regulatory fees by May 1, 2003. Perfunctory extensions will not be granted. If you need an extension, please file prior to May 1, 2003, providing a reason for requesting an extension. In granting an extension, the Commission will consider whether application of the rule imposes undue hardship on the requesting person, different from hardships imposed on similarly situated persons per WAC 480-120-015.

Inquiries regarding annual reports should be directed to 360-664-1201 or annualreports@wutc.wa.gov.

It is the Commission's policy to provide equal access to its services. If you need special accommodations, please call 360-664-1133. TTY Toll Free 1-800-416-5289.

Sincerely,

A handwritten signature in cursive script that reads "Carole J. Washburn".

Carole J. Washburn
Secretary

Enclosures

Appendix B



STATE OF WASHINGTON

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250
(360) 664-1160 • TTY (360) 586-8203

June 5, 2003

Dear Registered Telecommunications Company:

Every Telecommunications Company subject to regulation by the Washington Utilities and Transportation Commission (Commission) is required by state law to file an annual report and pay regulatory fees by May 1st of each year. We mailed you the 2002 annual report form and 2003 regulatory fee calculation sheet on March 6, 2003. Our records indicate that you have not yet filed the completed annual report form and have not paid your regulatory fees for 2003.

You have already incurred a penalty of 2% of the total amount due for failure to pay your 2003 regulatory fees by May 1, 2003, and you will be charged interest at the rate of 1% per month on the delinquent balance until it is paid in full.

Commission staff also intends to recommend enforcement action, which may include penalties of up to \$100 per day and/or suspension or revocation of your authority to operate in Washington, against any telecommunications company that fails to file a completed annual report. In order to avoid this enforcement action, you must file your annual report as soon as possible, and no later than June 23, 2003.

Annual report forms are available on the Commission's web site at www.wutc.wa.gov. If you have questions or require additional information, please call (360) 664-1201 or e-mail us at annualreports@wutc.wa.gov.

Sincerely,

A handwritten signature in cursive script that reads "Carole J. Washburn".

Carole J. Washburn
Secretary

Appendix C

[Service Date September 30, 2003]

September 30, 2003

NOTICE OF IMPENDING REVOCATION OF REGISTRATION AS A TELECOMMUNICATIONS COMPANY AND OPPORTUNITY TO REQUEST A HEARING

Re: Revocation of Telecommunications Registrations for Failure to File Annual Reports and Pay Regulatory Fees; Docket No. UT-031194

TO ALL TELECOMMUNICATIONS COMPANIES LISTED IN ATTACHMENT A:

Staff of the Washington Utilities and Transportation Commission (Commission Staff) recently conducted its yearly review of annual reports and regulatory fees for telecommunications companies registered in the state of Washington. As a result, Commission Staff identified the telecommunications companies listed in Attachment A as not complying with regulatory requirements for 2002, and in one case with the requirements for 2001. This notice is being served to all companies listed in Attachment A and their registered agents, if named, at their last known addresses on file with the Commission.

WAC 480-121-060 provides that the Commission may revoke a company's registration for good cause after notice and opportunity for a hearing. Good cause includes failure to file an annual report or pay regulatory fees. In addition, the Commission may impose a penalty not to exceed \$100 for each violation of statute, rule, or order under RCW 80.04.405. Each violation is a separate and distinct offense, and each day of a continuing violation will be deemed a separate and distinct violation. The Commission does not waive its authority to impose a penalty consistent with RCW 80.04.405 upon the companies listed in Attachment A.

If companies listed in Attachment A want to avoid revocation of its registration, the companies must, within 30 days of service of this notice, take one of two actions. First,

companies may obtain regulatory compliance by submitting annual reports and paying regulatory fees that are delinquent. Second, companies may request a hearing to demonstrate why the company's registration should not be revoked. Failure to respond within 30 days of this notice will result in the Commission entering an order revoking the company's registration without further notice. Unregistered companies are prohibited from providing telecommunications services in the state of Washington.

Annual report forms are available on the Commission's Internet web site – <http://www.wutc.wa.gov> -- or by contacting the Commission by email at annualreports@wutc.wa.gov or telephone at (360) 664-1201. Requests for hearings must comply with the Commission's procedural rules, chapter 480-09 WAC, which are also available at the Commission's Internet web site.

Sincerely,

CAROLE J. WASHBURN
Secretary

2001/2002 Delinquent Annual Report and 2002/2003 Regulatory Fee Payment -- A check mark means that the Commission's records indicate that the company is delinquent in filing the designated material.

Company Name	2001		2002	
	Annual Report	2002 Regulatory Fees	Annual Report	2003 Regulatory Fees
Access Communications, Inc. d/b/a Access Long Distance	▪	▪	✓	✓
Accessline Communications, Corporation	▪	▪	✓	✓
ACSI Local Switced Services, Inc.	▪	▪	✓	✓
Advantage Telecommunications, Corporation	▪	▪	▪	✓
Allied Riser of Washington, Inc.	▪	▪	✓	✓
Arizona Telephony Brokers, L.L.C.	▪	▪	✓	✓
Backbone Communications, Inc.	▪	▪	✓	✓
BullsEye Telecom, Inc.	▪	▪	✓	✓
Choctaw Communications, Inc., d/b/a Smoke Signal Communications	▪	▪	✓	✓
Communications Billing, Inc.	▪	▪	✓	✓
Compass Telecommunications, Inc.	▪	▪	✓	✓
Comtel Network, LLC	▪	▪	✓	✓
Consolidated Billing Provider, LLC	▪	▪	✓	✓
Convergence Technologies, Inc.	▪	▪	✓	✓
Corporate Services Telcom, Inc.	▪	▪	✓	✓
Eastern Telecommunications Incorporated	▪	▪	✓	✓
ePhone Telecom, Inc.	▪	▪	✓	✓
Equal Access Communications, LLC, d/b/a Equal Access	▪	▪	✓	✓
Eztel Network Services, LLC.	▪	▪	✓	▪
Gateway Networks Incorporated	▪	▪	✓	✓
GFI Inc d/b/a GFI Communications	▪	▪	✓	✓
Global Access & VOIP Corporation	▪	▪	✓	✓
Global Crest Communications Inc. d/b/a Dimensions	▪	▪	✓	✓
Intelecall Communications, Inc.	▪	▪	✓	✓
Interwest Telecom Services	▪	▪	✓	✓
LCI International Telecom Corp., d/b/a Qwest Communications Services	▪	▪	✓	✓
Long Distance Billing Services, Inc.	▪	▪	✓	✓

Maxcess, Inc.	▪	▪	✓	▪
Maxxis Communications, Inc.	▪	▪	✓	✓
Metromedia Communications Corporation	▪	▪	✓	✓
Natel, LLC	▪	▪	✓	✓
Network Access Solutions Corporation	▪	▪	✓	✓
North County Communications Corporation	▪	▪	✓	✓
Oregon Telecom, Inc., d/b/a Washington Telecom	▪	▪	✓	✓
Phoenix Network, Inc.	▪	▪	✓	✓
Pipeline Technologies, Inc	▪	▪	✓	✓
Pro Plus Communications Corporation	▪	▪	✓	✓
Public Communications Services, Inc.	▪	▪	✓	✓
Radiant Telecom, Inc.	▪	▪	✓	✓
rileydog, LLC d/b/a BIWireless	▪	▪	✓	✓
ServiSense.com, Inc.	▪	▪	✓	✓
Single Billing Services, Inc., d/b/a Asian American Association d/b/a Fiesta Tel	▪	▪	✓	✓
Special Accounts Billing Group, Inc.	▪	▪	✓	✓
St. Andrews Telecommunications, Inc.	▪	▪	✓	✓
Telecommunications Consultants International, Inc., d/b/a Telecom International	✓	✓	✓	✓
The Phone Company Management Group LLC d/b/a The Washington Phone Company	▪	▪	✓	✓
TON Services, Inc.	▪	▪	✓	✓
TransNet Connect, Inc.	▪	▪	✓	✓
TSS Digital Services, LLC	▪	▪	✓	✓
UKI Communications, Inc.	▪	▪	✓	✓
United States Telecommunications, Inc. d/b/a Tel Com Plus	▪	▪	✓	✓
Vanilla, Inc.	▪	▪	✓	✓
Voice Connections, Inc.	▪	▪	✓	✓
Who's Calling, Inc.	▪	▪	✓	✓
World Communications, Inc.	▪	▪	✓	✓
WorldTeq Corporation	▪	▪	✓	✓
ZENEX Long Distance, Inc.	▪	▪	✓	✓