

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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

PENALTY ASSESSMENT NO: UT-040449

PENALTY AMOUNT: \$ 23,500

TELECOMMUNICATIONS COMPANY:

Globcom Incorporated
2100 Sanders Road, Suite 150
Northbrook, IL 60062

The Commission believes that you have committed one or more violations of Washington Utilities and Transportation rules; specifically Washington Administrative Code (WAC) 480-120-166, which requires telecommunications companies to report the results of its investigation of non-service-affecting informal complaints to commission staff within five business days from the date the commission staff passes the complaint, or for requests from commission staff for additional information on pending complaints within three days. Despite repeated notices of violation of WAC 480-12-166, you continued to be non-responsive to commission-referred complaints on one hundred and seventy-eight occasions. As a result, the Commission hereby notifies you that it has assessed penalties against you in the amount of \$23,500.00.

The basis for this penalty assessment is as follows:

Complaint 86147 was sent to Globcom on October 27, 2003, with a response due on November 3, 2003. No response has been received from Globcom to this complaint. Ninety-one violations in the amount of \$9,100.00 are assessed¹.

Complaint 86219 was sent to Globcom on October 30, 2003, with a response due on November 6, 2003. No response has been received from Globcom to this complaint. Eighty-eight violations in the amount of \$8,800.00 are assessed.

¹ Violations are calculated from the date the response was due through March 15, 2004, the date Staff completed its investigation.

Complaint 86881 was sent to Globcom on December 17, 2003, with a response due on December 24, 2003. No response has been received from Globcom to this complaint. Fifty-six violations in the amount of \$5,600.00 are assessed.

Further, on January 29, 2004, Staff sent a letter to Mr. Glenn Koffman, CEO of Globcom, stating that Staff noted in each Globcom complaint that Globcom had failed to respond to the Commission-referred complaints as required by Washington Administrative Code rules. Mr. Koffman was also told that until Globcom provided a response which specifically answered all unresolved complaints, the complaints would remain open, and violations of WAC 480-120-166, would be noted for each business day a complete response was not received.

Penalties are due and payable upon receipt of this penalty notice. If for any reason you believe the violations described did not occur, you may request a hearing to contest the occurrence of the violations. If you have an explanation as to why the violations occurred, or have other facts you believe the Commission should have considered, RCW 80.04.405 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. You may, although you are not required to, present your request for mitigation at a hearing. The Commission will consider your plea and notify you of its determination.

If you would like a hearing to contest either the occurrence of the violations or the amount of the penalty, you may request one in your request for hearing or mitigation. If you request a hearing for either reason, please state why you believe a hearing is called for in your circumstances.

Failure to request a hearing to contest the occurrence of the violations or the amount of the penalty, 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 March, 2004.

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK OSHIE, Commissioner

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."