

Westgate Communications, LLC – UT-041431
Staff Investigation - Annual Report/Regulatory Fees
August 18, 2004

Purpose

The purpose of this investigation is to determine if Westgate Communications, LLC (Westgate), 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 for telecommunications companies registered in the state of Washington.

On March 3, 2004, the Commission mailed 2003 Annual Report forms and 2004 Regulatory Fee packets to local and competitive telecommunications companies registered in Washington State. A letter signed by Executive Secretary Carole Washburn instructed companies to file annual reports by May 1, 2004. Companies requesting an extension were asked to do so prior to May 1, providing a reason for the requested extension (Appendix A).

On June 9, 2004, a letter signed by Carole Washburn was sent to each telecommunications company that had not filed an annual report by May 1, 2004. 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 by June 30, 2004 (Appendix B).

In July 2004, Licensing Services Staff reviewed annual reports and regulatory fees for registered telecommunications companies and compiled a list of companies that were out of compliance. On July 20, 2004, Carole Washburn 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 and pay delinquent regulatory fees. Second, companies could request a hearing to demonstrate why the company's registration should not be revoked. Failure to respond within 30 days would have resulted in the Commission revoking the company's registration without further notice.

Investigation

As of May 1, 2004, Westgate had not filed its 2003 annual report. The Commission mailed the Company a Notice of Impending Revocation on July 20, 2004.

Subsequently, Westgate filed its annual report on August 2, 2004.

Recommendation:

Penalize Westgate Communications, LLC, \$100.00 for a violation of WAC 480-120-303.

Appendix A

March 3, 2004

Subject: 2003 Annual Report/2004 Regulatory Fees

Enclosed is your 2003 Telecommunications Company 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/telecom/annualreports. The Commission will also send a paper copy of the regulatory fee order and additional annual report forms upon request.



All telecommunication companies providing local exchange services must also submit a copy of their FCC Form 477 with their 2003 Annual Report/2004 Regulatory Fees to the Commission. The Commission is using the federal form to reduce work for companies, increase reporting consistency, and eliminate confusion in past years about access line definitions. If you did not file Form 477 with the FCC, you must report access line information on the enclosed annual report form.

You must file your annual report and pay regulatory fees by May 1, 2004. Perfunctory extensions will not be granted. If you need an extension, please file prior to May 1, 2004, 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,

Carole J. Washburn
Executive Secretary

Enclosures

Appendix B

June 9, 2004

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 2003 annual report form and 2004 regulatory fee calculation sheet on March 3, 2004. Our records indicate that you have not yet filed the completed annual report form and have not paid your regulatory fees for 2004.

You have already incurred a penalty of 2% of the total amount due for failure to pay your 2004 regulatory fees by May 1, 2004, 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 30, 2004.

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,

Carole J. Washburn
Executive Secretary

[Service Date July 20, 2004]

July 20, 2004

**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-041188

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. The companies listed in Attachment A, failed to file annual reports for 2003 and failed to pay regulatory fees for 2004. In one case, a company failed to file annual reports for 2002 and 2003, and failed to pay regulatory fees for 2003 and 2004. 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. *WAC 480-121-060(a), (b)*. 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, but it is not now seeking penalties.

If any company listed in Attachment A wishes to avoid revocation of its registration, the company must, within 30 days after service of this notice, take one of two actions. Companies choosing the first option may obtain regulatory compliance by submitting the delinquent annual reports and paying the delinquent regulatory fees. Annual report forms are available on the Commission's Internet web site – <http://www.wutc.wa.gov>. Annual report forms are also available by contacting the Commission by email at annualreports@wutc.wa.gov or telephone at (360) 664-1201.

Companies choosing the second option may request a hearing to demonstrate why the company's registration should not be revoked. All requests for hearing must comply with the Commission's procedural rules, chapter 480-07 WAC, which are available at the Commission's Internet web site – <http://www.wutc.wa.gov>.

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.

Sincerely,

CAROLE J. WASHBURN
Executive Secretary

Attachment

Docket No. UT-041188

Attachment A

2002/2003 Delinquent Annual Report and 2003/2004 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	2002	2003	2003	2004
	Annual Report	Regulatory Fees	Annual Report	Regulatory Fees
Accessline Communications, Corporation			✓	✓
Alticomm, Inc.			✓	✓
America's Tele-Network Corp.			✓	✓
Anthony James Asquith d/b/a Asquith Enterprises			✓	✓
Atlas Communications, Ltd.			✓	✓
Better World Telecom, Inc.			✓	✓
Broadwing Communications, LLC			✓	✓
Christian Media Technologies, Inc.			✓	✓
CI2, Inc.			✓	✓
Ciera Network Systems, Inc.			✓	✓
CM Tel (USA), LLC			✓	✓
Combined Billing Corporation	✓	✓	✓	✓
Communications Billing, Inc.			✓	✓
Consolidated Billing Provider, LLC			✓	✓
Convergence Technologies, Inc.			✓	✓
Direct Connect Communications, Inc.			✓	✓
Direct One, Inc.			✓	✓
Eliteview, LLC d/b/a Groveline			✓	✓
Enhanced Communications Network, Inc.			•	✓
EZ Talk Communications, LLC			✓	✓
Fox Communications Corp.			✓	✓
Friendly Phone of Washington Joint Venture d/b/a The Friendly Phone Company			✓	✓
Gateway Communications			✓	✓
Gateway Networks Incorporated			✓	✓
Global Access & VOIP Corporation			✓	✓
Group Long Distance, Inc.			✓	✓

ICG Telecom Group, Inc.			✓	✓
Inmate Communications Corporation			✓	✓
InteraTel, LLC, d/b/a Interatel			✓	✓
International Exchange Communications, Inc. d/b/a IE Com			✓	✓
International Telecom, Ltd., d/b/a Kallback			✓	✓
Jeanne L. Hancock, d/b/a 3D North			✓	✓
JirehCom, Inc.			✓	✓
Kiger Telephone & Telephony, LLC			✓	✓
Local Telcom Holdings, LLC d/b/a Transpoint Communications			✓	✓
Maxcess, Inc.			✓	✓
Mercury Long Distance, Inc.			✓	✓
Miko Telephone Communications, Inc.			✓	✓
NCI Data.com., Inc.			✓	✓
Network US, Inc., d/b/a CA Affinity			✓	✓
NetworkIP, LLC			✓	✓
New Century Telecom, Inc.			✓	✓
One Call Communications, Inc., d/b/a OPTICOM			✓	✓
Operator Communications, Inc., d/b/a OCI			✓	✓
Orion Telecommunications Corp.			✓	✓
Phone Solution, Inc.			✓	✓
Priority Terabit, Inc.			✓	✓
PT-1 Communications, Inc.			✓	✓
QAI, Inc., d/b/a Long Distance Billing			✓	✓
QuantumShift Communications, Inc.			✓	✓
ServiSense.com, Inc.			✓	✓
Special Accounts Billing Group, Inc.			✓	✓
TalkingNets Holdings, LLC			✓	✓
Telecom Resources, Inc.			✓	✓
TelecomEZ, Corp.			✓	✓
Telegenius, Inc.			✓	✓
Telephone Company of Central Florida, Inc.			✓	✓
Univance Telecommunications, Inc.			✓	✓
USP Communications, Inc.			✓	✓

Verizon Avenue Corp.			✓	✓
Via One Technologies, Inc.			✓	✓
Village Telephone, Inc.			✓	✓
Voyage Telecom, Inc.			✓	✓
WDT World Discount Telecommunications Co.			✓	✓
Westgate Communications, LLC			✓	✓
Westgate Communications, LLC, d/b/a WeavTel			✓	✓
World Communications Satellite Systems, Inc.			✓	✓