

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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

PENALTY ASSESSMENT: UT-121917
PENALTY AMOUNT: \$1,000

CenturyTel of Washington, Inc. et. al.
d/b/a CenturyLink
1600 7th Avenue, Room 1510
Seattle, WA 98191

According to the Commission's records, you have committed a violation of a Commission rule. Washington Administrative Code (WAC) 480-07-640 requires interconnection agreements to be filed with the Commission for approval within 30 days after they are signed.

Revised Code of Washington (RCW) 80.04.405 authorizes the Commission to assess penalties of \$100 for violations of Commission rules. Each and every violation shall be a separate and a distinct offense and in the case of a continuing violation, every day's continuance shall be deemed to be a separate and distinct violation. The Commission interprets CenturyLink's failure to file the interconnection agreement (agreement or ICA) within 30 days is a violation of WAC 480-07-640, and is subject to a penalty for failing to make the required filing date.

As a result, the Commission hereby notifies CenturyLink that it has assessed a penalty against it based on the following:

On November 15, 2012, CenturyTel of Washington, Inc., CenturyTel of Inter Island, Inc., and CenturyTel of Cowiche, Inc., collectively d/b/a CenturyLink, and Comcast Phone of Washington, LLC d/b/a Comcast Digital Phone (Comcast), filed with the Commission a request for approval of an interconnection agreement, Docket UT-123025. The last signature appearing on the agreement is dated October 24, 2011. The agreement should have been filed with the Commission no later than November 23, 2011. This agreement was received by the Commission on November 15, 2012; therefore, the agreement was filed 358 days late.

RCW 80.04.405 allows the Commission to assess a penalty of \$35,800 against both CenturyLink and Comcast. Staff's discussions with the company reveal that CenturyLink has implemented new internal ICA processing changes to avoid late filings of ICAs in the future. The Commission has decided to pre-mitigate CenturyLink's penalty down to \$1,000.

Your penalty is now due and payable. If you believe the violation did not occur, you may request a hearing to contest the penalty assessment. If there is a reason for the violation that you think should excuse you from the penalty, you may ask for mitigation (reduction) of this penalty. See RCW 80.04.405.

You have the right to present your request for review or further mitigation at a hearing, but you are not required to do so. If you do, the Commission will review the evidence supporting your request in an informal hearing, called a Brief Adjudicative Proceeding, before an administrative law judge. The administrative law judge will consider your plea and notify you of his or her decision.

You must act within 15 days after receiving this notice to do one of the following:

- Pay the amount due;
- Request a hearing to contest the occurrence of the violations; or
- Request mitigation to contest the amount of the penalty.

Please indicate your selection on the enclosed form and send it to the Washington Utilities and Transportation Commission, Post Office Box 47250, Olympia, Washington 98504-7250, **within FIFTEEN (15) days** after you receive this notice.

If you do not act within 15 days, the Commission may refer this matter to the Office of the Attorney General for collection. The Commission will then sue you to collect the penalty.

DATED at Olympia, Washington, and effective December 27, 2012.

GREGORY J. KOPTA
Administrative Law Judge

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
PENALTY ASSESSMENT UT-121917

PLEASE NOTE: You must complete and sign this document, and send it to the Commission within 15 days after you receive the penalty assessment. Use additional paper if needed.

I have read and understand RCW 9A.72.020 (printed below), which states that making false statements under oath is a class B felony. I am over the age of 18, am competent to testify to the matters set forth below and I have personal knowledge of those matters. I hereby make, under oath, the following statements.

1. **Payment of penalty.** I admit that the violations occurred. I have:
- Enclosed \$1,000 in payment of the penalty.
 - Submitted my payment of \$1,000 online at www.utc.wa.gov. My confirmation number is _____.
2. **Request for a hearing.** I believe that one or more of the alleged violations did not occur, based on the following information, and request a hearing, which is a process that allows an affected person to present argument to an administrative law judge for a decision by an administrative law judge:
3. **Application for mitigation.** I admit the violations, but I believe that the penalty should be reduced for the reason(s) set out below.
- a) I ask for a hearing for a decision by an administrative law judge based on the information presented above.
- OR
- b) I waive a hearing and ask for an administrative decision on the information I present directly above.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing, including information I have presented on any attachments, is true and correct.

Dated: _____ [month/day/year], at _____ [city, state]

Name of Respondent (company) – please print

Signature of Applicant

RCW 9A.72.020:

“Perjury in the first degree. (1) A person is guilty of perjury in the first degree if in any official proceeding he makes a materially false statement which he knows to be false under an oath required or authorized by law. (2) Knowledge of the materiality of the statement is not an element of this crime, and the actor’s mistaken belief that his statement was not material is not a defense to a prosecution under this section. (3) Perjury in the first degree is a class B felony.”