

[Service Date February 2, 2010]

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

ADVANCED TEL, INC., AIR SPEED,
LLC, AIRNEX COMMUNICATIONS,
INC., CLERTECH.COM, DIGITLINE
EXPRESS, LLC, EMAN NETWORKS,
FOX COMMUNICATION, LLC, GLOBAL
TELECOM & TECHNOLOGY
AMERICAS, INC., GLOBETEL, INC., GTC
TELECOM CORP., LSSI DATA
CORPORATION, MOMENTUM
TELECOM, INC., QUALITY
TELEPHONE, INC., V-GLOBAL
COMMUNICATIONS, INC. AND WTI,
LLC,

Respondents.

.....

) DOCKET UT-091666
)
) ORDER 01
)
) INITIAL ORDER CANCELLING
) TELECOMMUNICATIONS
) COMPANY REGISTRATIONS OF
) ADVANCED TEL, INC., AIRNEX
) COMMUNICATIONS, INC.,
) CLERTECH.COM, FOX
) COMMUNICATION, LLC, GLOBAL
) TELECOM & TECHNOLOGY
) AMERICAS, INC., GLOBETEL, INC.,
) GTC TELECOM CORP.,
) MOMENTUM TELECOM, INC., V-
) GLOBAL COMMUNICATIONS, INC.
) AND WTI, LLC; DISMISSING
) COMPLAINT AGAINST AIR SPEED,
) LLC, DIGITLINE EXPRESS, LLC,
) EMAN NETWORKS, LSSI DATA
) CORPORATION, AND QUALITY
) TELEPHONE, INC.

1 **Synopsis.** *This is an Administrative Law Judge’s Initial Order that is not effective unless approved by the Commission or allowed to become effective pursuant to the notice at the end of this order. This order proposes to cancel the telecommunications company registrations of Advanced Tel, Inc.; Airnex Communications, Inc.; Clertech.com; Fox Communication, LLC; Global Telecom & Technology Americas, Inc.; Globetel, Inc.; GTC Telecom Corp.; Momentum Telecom, Inc.; V-Global Communications, Inc.; and WTI, LLC, as the companies have failed, as of February 1, 2010, to file their annual reports as required by RCW 80.04.080, and to pay regulatory fees as required by RCW 80.24.010. This order also proposes to dismiss the complaint against Air Speed, LLC; DigitLine Express, LLC; EMAN Networks; LSSi Data Corporation; and Quality Telephone, Inc.*

2 ***Proceedings.*** In this proceeding, the Washington Utilities and Transportation Commission (Commission) filed a complaint against fifteen telecommunications companies, requiring the companies to appear and show cause why their registrations should not be canceled for failing to file annual reports or pay regulatory fees.

3 ***Procedural History.*** On November 24, 2009, the Commission entered a Complaint For Revocation of Registration for Failure to Pay Regulatory Fees and Failure to File Annual Report and Notice of Hearing against Advanced Tel, Inc. (Advanced Tel); Air Speed, LLC (Air Speed); Airnex Communications, Inc. (Airnex); Clertech.com; DigitLine Express, LLC (DigitLine); EMAN Networks (EMAN); Fox Communication, LLC (Fox); Global Telecom & Technology Americas, Inc. (Global Telecom); Globetel, Inc. (Globetel); GTC Telecom Corp. (GTC); LSSi Data Corporation (LSSi); Momentum Telecom, Inc. (Momentum); Quality Telephone, Inc. (Quality Telephone); V-Global Communications, Inc. (V-Global); and WTI, LLC (WTI), (collectively “Respondents”). Administrative Law Judge (ALJ) Marguerite E. Friedlander heard the matter, on due and proper notice, on February 1, 2010, in Olympia, Washington.

4 ***Initial Order.*** The presiding ALJ proposes to cancel the registrations of Advanced Tel, Airnex, Clertech.com, Fox, Global Telecom, Globetel, GTC, Momentum, V-Global, and WTI, for failure to comply with the reporting and fee requirements of RCW 80.24.010 and RCW 80.04.080 and to dismiss the complaint against Air Speed, DigitLine, EMAN, LSSi, and Quality Telephone.

5 ***Appearances.*** Michael Fassio, Assistant Attorney General, Olympia, Washington represents the Commission Staff.¹ No representatives appeared at the hearing on behalf of Respondents.

¹In formal proceedings, such as this, the Commission’s regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners’ policy advisors do not discuss the merits of this proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See, RCW 34.05.455.*

DISCUSSION

- 6 **Background.** Every public service company, including a telecommunications company, is required to file an annual report with the Commission. *RCW 80.04.080*. The Commission sends annual report forms to the address on record with the Commission for each telecommunications company or telecommunications registration holder. Each registration holder must submit an annual report and remit regulatory fees by May 1 of each year. *WAC 480-120-382*.
- 7 The Commission sent annual report forms to each of the Respondents of record in this proceeding. A search of Commission records indicated that Respondents failed to comply with the reporting and fee requirements of WAC 480-120-382 (competitively classified companies) and WAC 480-120-385 (companies not classified as competitive) by May 1, 2009.
- 8 On November 24, 2009, the Commission served a complaint against Respondents seeking to cancel their telecommunications company registrations for failure to file their annual reports as required by RCW 80.04.080, and failure to comply with reporting and fee requirements in WAC 480-120-382 and WAC 480-120-385.
- 9 **Hearing.** At the hearing on February 1, 2010, Commission Staff presented the testimony of Ms. Sheri Hoyt, Compliance Specialist with the Commission's Compliance Investigation Section. Ms. Hoyt sponsored 6 exhibits which were admitted into evidence. Ms. Hoyt recommended that the Commission cancel the registrations of Advanced Tel, Airnex, Clertech.com, Fox, Global Telecom, Globetel, GTC, Momentum, V-Global, and WTI, as these companies have not complied with RCW 80.04.080 and WAC 480-15-480 by filing their annual report or remitting their regulatory fees, prior to the hearing. Ms. Hoyt also recommended that the Commission dismiss the complaint with regard to Air Speed, DigitLine, EMAN, LSSi, and Quality Telephone since these companies have come into compliance by filing an annual report and/or paying their regulatory fees.
- 10 **Discussion and decision.** The testimony and exhibits presented by Ms. Hoyt establish that Advanced Tel, Airnex, Clertech.com, Fox, Global Telecom, Globetel, GTC, Momentum, V-Global, and WTI, remain in violation of statutory and rule requirements for filing annual reports and paying regulatory fees. Accordingly, the

telecommunications registrations of Advanced Tel, Airnex, Clertech.com, Fox, Global Telecom, Globetel, GTC, Momentum, V-Global, and WTI, should be revoked consistent with WAC 480-121-060. Further, Ms. Hoyt has established that Air Speed, DigitLine, EMAN, LSSi, and Quality Telephone have come into compliance with the requirements for filing annual reports and paying regulatory fees such that the complaint against these companies should be dismissed.

FINDINGS OF FACT

- 11 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington, vested by statute with authority to regulate public service companies, including companies authorized to provide telecommunications services in the state of Washington for compensation.
- 12 (2) Each of the Respondents in this proceeding is a public service company as defined in RCW 80.04.010 and holds authority to provide telecommunications services in the state of Washington for compensation.
- 13 (3) The Commission sent annual report forms and instructions to the address on record with the Commission for each of the named Respondents.
- 14 (4) On November 24, 2009, the Commission entered a complaint against Respondents seeking to cancel their telecommunications registrations for failure to file an annual report as required by RCW 80.04.080, and failure to comply with reporting and fee requirements of WAC 480-120-382 and WAC 480-120-385, and set the matter for hearing on February 1, 2010.
- 15 (5) Evidence presented during the hearing demonstrates that, to date, Advanced Tel, Inc.; Airnex Communications, Inc.; Clertech.com; Fox Communication, LLC; Global Telecom & Technology Americas, Inc.; Globetel, Inc.; GTC Telecom Corp.; Momentum Telecom, Inc.; V-Global Communications, Inc.; and WTI, LLC., remain in violation of the reporting and/or fee requirements of RCW 80.04.080 and WAC 480-120-382 and WAC 480-120-385.

- 16 (6) Evidence presented during the hearing demonstrates that, to date, Air Speed, LLC; DigitLine Express, LLC; EMAN Networks; LSSi Data Corporation; and Quality Telephone, Inc. have come into compliance with the reporting and/or fee requirements of RCW 80.04.080 and WAC 480-120-382 and WAC 480-120-385.

CONCLUSIONS OF LAW

- 17 (1) The Washington Utilities and Transportation Commission has jurisdiction over the subject matter of this proceeding and all parties to this proceeding.
- 18 (2) The telecommunications registrations held by Advanced Tel, Inc.; Airnex Communications, Inc.; Clertech.com; Fox Communication, LLC; Global Telecom & Technology Americas, Inc.; Globetel, Inc.; GTC Telecom Corp.; Momentum Telecom, Inc.; V-Global Communications, Inc.; and WTI, LLC. should be cancelled for failure to file annual reports and pay regulatory fees with the Commission, consistent with WAC 480-120-382 and WAC 480-120-385.
- 19 (3) The complaint against Air Speed, LLC; DigitLine Express, LLC; EMAN Networks; LSSi Data Corporation; and Quality Telephone, Inc. should be dismissed as the companies have come into compliance with the reporting and/or fee requirements of RCW 80.04.080 and WAC 480-120-382 and WAC 480-120-385.

ORDER

THE COMMISSION ORDERS:

- 20 (1) The telecommunications provider registrations held by Advanced Tel, Inc.; Airnex Communications, Inc.; Clertech.com; Fox Communication, LLC; Global Telecom & Technology Americas, Inc.; Globetel, Inc.; GTC Telecom Corp.; Momentum Telecom, Inc.; V-Global Communications, Inc.; and WTI, LLC., are cancelled.

- 21 (2) The complaint against Air Speed, LLC; DigitLine Express, LLC; EMAN
Networks; LSSi Data Corporation; and Quality Telephone, Inc. is dismissed.
- 22 (3) The Commission retains jurisdiction to effectuate the terms of this Order.

DATED at Olympia, Washington, and effective February 2, 2010.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARGUERITE E. FRIEDLANDER
Administrative Law Judge

NOTICE TO THE PARTIES

This is an Initial Order. The action proposed in this Initial Order is not yet effective. If you disagree with this Initial Order and want the Commission to consider your comments, you must take specific action within the time limits outlined below. If you agree with this Initial Order, and you would like the Order to become final before the time limits expire, you may send a letter to the Commission, waiving your right to petition for administrative review.

WAC 480-07-825(2) provides that any party to this proceeding has twenty (20) days after the entry of this Initial Order to file a *Petition for Administrative Review*. What must be included in any Petition and other requirements for a Petition are stated in WAC 480-07-825(3). WAC 480-07-825(4) states that any party may file an *Answer* to a Petition for review within (10) days after service of the Petition.

WAC 480-07-830 provides that before entry of a Final Order any party may file a Petition to Reopen a contested proceeding to permit receipt of evidence essential to a decision, but unavailable and not reasonably discoverable at the time of hearing, or

for other good and sufficient cause. No Answer to a Petition to Reopen will be accepted for filing absent express notice by the Commission calling for such answer.

RCW 80.01.060(3) provides that an initial order will become final without further Commission action if no party seeks administrative review of the initial order and if the Commission fails to exercise administrative review on its own motion.

One copy of any Petition or Answer filed must be served on each party of record with proof of service as required by WAC 480-07-150(8) and (9). An Original and **five (5)** copies of any Petition or Answer must be filed by mail delivery to:

Attn: David W. Danner, Executive Director and Secretary
Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia, Washington 98504-7250