



of the respondents that any party that failed to attend or participate in the hearing could be held in default.

2 After notice to the parties, the matters alleged in the complaint were the subject of a hearing before the Commission on January 16, 2014, in Olympia, Washington. Michael A. Fassio, Assistant Attorney General, Olympia, Washington represented the Commission's regulatory staff (Commission Staff or Staff).<sup>1</sup>

3 At the hearing, Staff moved to dismiss the complaint against Master Call Corporation which had timely filed its 2012 annual report and paid any regulatory fees due for 2013.<sup>2</sup> Master Call Corporation's 2012 annual report had been inadvertently credited to a company with a similar name. With regard to the remaining companies, Staff presented the testimony of Susie Paul, Compliance Investigator.

4 Evidence at the hearing showed that all of the remaining respondents are telecommunications companies, which are public service companies under RCW 80.04.010(23), and received notice of the hearing.<sup>3</sup> None of the companies named in the complaint appeared at the hearing or presented evidence. Staff requested the Commission declare Collier, Envision, Genext, Infotelecom, MBC, Midwestern, Think 12, United, and Yak in default.<sup>4</sup>

5 Ms. Paul testified that the Financial Services section of the Commission provided her with a list of all companies that are delinquent in filing their annual reports or paying their regulatory fees.<sup>5</sup> The list was generated by the Commission's Annual Report Tracking System (ARTS).<sup>6</sup> Ms. Paul reviewed ARTS data for each company named in the complaint as late as the morning of the hearing, January 16, 2014, and

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<sup>1</sup> In a formal proceeding, 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 and accounting advisors do not discuss the merits of the proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See* RCW 34.05.455.

<sup>2</sup> Paul, TR 15:19-25.

<sup>3</sup> Proof of Service, Exh. No. LW-1.

<sup>4</sup> Fassio, TR at 7: 16-19.

<sup>5</sup> *Id.*, 10:24-11:2.

<sup>6</sup> *Id.*, 11:2-4.

determined that Collier, Envision, Genext, Infotelecom, MBC, Midwestern, Think 12, United, and Yak had not filed their annual reports for 2012 or paid their outstanding annual fees.<sup>7</sup>

### DISCUSSION

- 6 The issue in this proceeding is whether the companies complained against have filed their annual reports, paid their annual regulatory fees, and if applicable, paid their statutory penalties. If the companies have not fulfilled their obligations, the Commission must determine whether or not to revoke their registrations.
- 7 Under RCW 80.04.080, every telecommunications company operating in Washington is required to file an annual report that sets forth certain information about the company's operations during the preceding year. In addition, under RCW 80.24.010, every telecommunications company must pay an annual regulatory fee on or before the date specified by the Commission. WAC 480-120-382 and WAC 480-120-385 require telecommunications companies to file annual reports and pay regulatory fees by May 1 of each year. The Commission may revoke a company's registration for good cause, which includes, but is not limited to, the failure to file an annual report or pay regulatory fees.<sup>8</sup> In addition, and germane to this proceeding, any party that fails to appear at a Commission hearing may be held in default.<sup>9</sup>
- 8 Collier, Envision, Genext, Infotelecom, Master Call Corporation, MBC, Midwestern, Think 12, United, and Yak are telecommunications companies and public service companies as defined in RCW 80.04.010(23). Collier, Envision, Genext, Infotelecom, Master Call Corporation, MBC, Midwestern, Think 12, United, and Yak provide services in Washington for compensation and are required to submit annual reports to the Commission and pay regulatory fees under RCW 80.04.080 and 80.24.010. A review of the Commission's files and records shows that Collier, Envision, Genext, Infotelecom, MBC, Midwestern, Think 12, United, and Yak failed to timely file their annual reports due on May 1, 2013, and failed to pay their regulatory fees. Accordingly, Collier, Envision, Genext, Infotelecom, MBC, Midwestern, Think 12, United, and Yak's registrations should be revoked.

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<sup>7</sup> *Id.*, 13:14.

<sup>8</sup> WAC 480-121-060.

<sup>9</sup> RCW 34.05.440; WAC 480-07-450.

9 Staff testified that Master Call Corporation filed its annual report for 2012 and paid any regulatory fees for 2013. Accordingly, the complaint against Master Call Corporation should be dismissed.

### **FINDINGS AND CONCLUSIONS**

- 10 (1) The Washington Utilities and Transportation Commission (Commission) is an agency of the State of Washington, vested by statute with authority to regulate rates, rules, regulations, practices, and accounts of public service companies, including telecommunications companies.
- 11 (2) The respondents are telecommunications companies and public service companies as defined in RCW 80.04.010(23).
- 12 (3) The Commission has jurisdiction over the subject matter of, and the parties to, this proceeding.
- 13 (4) On November 25, 2013, the Commission entered a complaint and notice of hearing in this matter. The complaint against each of the respondents seeks revocation of each company's telecommunications license for failure to file an annual report for 2012 and failure to pay 2013 regulatory fees. The notice of hearing scheduled a hearing to convene on January 16, 2014, in Olympia, Washington. None of the respondents appeared at the hearing.
- 14 (5) After the Commission served the complaint, Staff discovered that one of the companies named, Master Call Corporation, had timely filed its 2012 annual report and paid its 2013 regulatory fees.
- 15 (6) The Commission will not revoke the registration of Master Call Corporation and will dismiss the complaint against this company.
- 16 (7) Collier Technologies, Inc. (Collier), Envision Technologies, Inc., d/b/a ETI Communications (Envision), Genext, LLC (Genext), Infotelecom Holdings, LLC (Infotelecom), MBC Telecom, LLC (MBC), Midwestern Telecommunications, Incorporated (Midwestern), Think 12 Corporation (Think 12), United American Technology, Inc. (United), and Yak Communications (America), Inc. (Yak) failed to timely file an annual report for 2012 and also failed to timely pay 2013 regulatory fees.

- 17 (8) Collier, Envision, Genext, Infotelecom, MBC, Midwestern, Think 12, United, and Yak are in default of the Commission's Complaint under RCW 34.05.440 and WAC 480-07-450.
- 18 (9) The Commission may, after notice and opportunity for hearing, revoke the registration of telecommunications companies for good cause.
- 19 (10) The failure to timely file annual reports and pay regulatory fees constitutes good cause to revoke the registrations of telecommunications companies.
- 20 (11) The Commission will revoke the registrations of the following companies: Collier, Envision, Genext, Infotelecom, MBC, Midwestern, Think 12, United, and Yak.

**ORDER**

**THE COMMISSION ORDERS THAT:**

- 21 (1) Collier Technologies, Inc. (Collier), Envision Technologies, Inc., d/b/a ETI Communications (Envision), Genext, LLC (Genext), Infotelecom Holdings, LLC (Infotelecom), MBC Telecom, LLC (MBC), Midwestern Telecommunications, Incorporated (Midwestern), Think 12 Corporation (Think 12), United American Technology, Inc. (United), and Yak Communications (America), Inc. (Yak) are in default of the Commission's Complaint.
- 22 (2) The complaint against Master Call Corporation is dismissed.
- 23 (3) The registrations of Collier, Envision, Genext, Infotelecom, MBC, Midwestern, Think 12, United, and Yak are revoked for good cause.

DATED at Olympia, Washington, and effective February 21, 2014.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARGUERITE E. FRIEDLANDER

Administrative Law Judge

**NOTICE TO 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 20 days after the entry of this initial order to file a petition for administrative review (Petition for Review). What must be included in any Petition for Review and other requirements for it are stated in WAC 480-07-825(3). WAC 480-07-825(4) states that any party may file an answer (Answer) to a Petition for Review within 10 days after service of the Petition for Review.

WAC 480-07-830 provides that before the Commission enters 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. The Commission will not accept answers to a petition to reopen unless the Commission requests answers by written notice.

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 for Review 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). To file a Petition for Review or Answer with the Commission, you must file an original and three copies of your Petition for Review or Answer by mail delivery to:

Attn: Steven V. King, Executive Director and Secretary  
Washington Utilities and Transportation Commission  
P.O. Box 47250  
Olympia, Washington 98504-7250