

# WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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

PENALTY ASSESSMENT NO: UT-061420

PENALTY AMOUNT: \$85,000

### TELECOMMUNICATIONS CARRIER:

MCImetro Access Transmission Services LLC  
d/b/a Verizon Access Transmission Services  
707 - 17th Street, #4200  
Denver, Colorado 80202

The commission believes that you have committed one or more violations of Washington Administrative Code (WAC) 480-120, which governs the regulation of telecommunications companies in the state of Washington.

As a result, the commission hereby notifies you that it has assessed penalties against you in the amount \$85,000, as follows:

In November 2005, Business Practices Investigation Staff began a compliance investigation of MCImetro Access Transmission Services LLC d/b/a Verizon Access Transmission Services. Staff identified a total of 850 violations of WAC 480-120. The violations identified during the investigation are as follows:

- Fifty-seven violations of WAC 480-120-103, Application for service, which requires companies to provide a due date when the service will be provided or if delayed, the reason for the delay, subject to a penalty of \$5,700.
- Seventeen violations of WAC 480-120-165, Customer complaints, which requires companies have adequate personnel available during regular business days to address customer complaints, to investigate complaints promptly, and to take corrective action as soon as appropriate, subject to a penalty of \$1,700.
- Sixty-seven violations of WAC 480-120-166, Commission-referred complaints, which requires companies to respond to commission-referred complaints within specific time frames, subject to a penalty of \$6,700.
- Six hundred twenty-eight violations of WAC 480-120-171, Discontinuing service, which requires companies stop billing monthly charges upon the customer's request to discontinue service, subject to a penalty of \$59,800.

- Forty-two violations of WAC 480-120-173, Restoring service after discontinuation, which requires companies to restore service within one business day when the cause for discontinuation has been corrected and a premises visit for reconnection is not required, subject to a penalty of \$4,200.
- Sixty-nine violations of WAC 480-120-440, Repair standards for service interruptions, which requires companies to repair all out-of-service interruptions within forty-eight hours, subject to a penalty of \$6,900.

This information, if proved at a hearing and not rebutted or explained, is sufficient to support the penalty assessment.

Your penalty is due and payable now. 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 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.

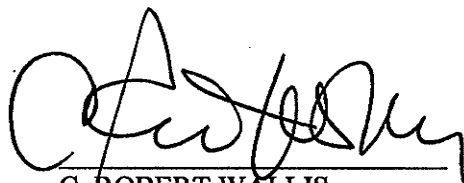
**You must act within 15 days after receiving this notice** to do one of the following:

- Pay the amount due.
- Request a hearing to contest the occurrence of the violations.
- 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 may then sue you to collect the penalty.

DATED at Olympia, Washington, and effective October 6, 2006.



C. ROBERT WALLIS  
Administrative Law Judge

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT, Docket No. UT-061420

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 and enclose payment in the full amount of the penalty.
- 2. Request for a hearing. I believe that the alleged violation did not occur, based on the following information, and request a hearing for a decision by an administrative law judge:
- 3. Application for mitigation. I admit the violation, but I believe that the penalty should be reduced for the reason(s) set out below.

- OR
- a) I ask for a hearing for a decision by an administrative law judge
  - b) I waive a hearing and ask for an administrative decision on the information I present here.

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: \_\_\_\_\_, at \_\_\_\_\_  
          [month/day/year]                  [city, state]

\_\_\_\_\_  
Name of Respondent (company) – please print

\_\_\_\_\_  
Signature of Applicant

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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.”