

BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the)	DOCKET NO. UT-051260
)	
Revocation of Telecommunications)	ORDER NO. 01
Registrations of the Companies)	
Listed on Attachment 1 for Failure to)	ORDER REVOKING
File Annual Reports and Pay)	REGISTRATION AS A
Regulatory Fees.)	TELECOMMUNICATIONS
)	COMPANY
.....)	

1 **Synopsis:** *The Commission revokes the registrations of those telecommunications companies that failed to submit required reports and pay regulatory fees as required by RCW 80.04.080, RCW 80.24.010, and WAC 480-120-382 or WAC 480-120-385. A list of companies whose registrations the Commission revokes is attached to this Order as Attachment 1.*

2 **Proceedings:** On September 26, 2005, the Commission served upon certain telecommunications companies a notice of impending revocation of registration as a telecommunications company for failure to submit annual reports or pay regulatory fees, violations of RCW 80.04.080, RCW 80.24.010, and WAC 480-120-382 or WAC 480-120-385. The notice offered each respondent the opportunity to come into compliance and the opportunity to request a hearing. The notice was the result of the Commission Staff's yearly review of annual reports and regulatory fees for telecommunications companies registered with the Commission. The companies subject to the notice had the opportunity to respond within 30 days of service.

I. BACKGROUND

3 Commission Staff conducted its yearly review of annual reports and regulatory fees for telecommunications companies registered with the Commission,

resulting in a list of companies out of compliance with regulatory requirements under RCW 80.04.080, RCW 80.24.010, and WAC 480-120-382 or WAC 480-120-385. The list included companies that failed to submit annual reports for 2004 and pay regulatory fees for 2005.

- 4 The Commission served the Notice of Impending Revocation of Registration as a Telecommunications Company and Opportunity to Request a Hearing (Notice) upon the noncomplying companies on September 26, 2005. The Commission served the Notice upon the companies listed in Attachment A to that Notice by regular and certified mail. The Notice was sent to the address on file with the Commission for each of the companies. The certified mailing included a request for a return receipt to show delivery was complete.
- 5 The companies were informed that they could avoid revocation by obtaining regulatory compliance or requesting a hearing. Regulatory compliance could be achieved by submitting the delinquent annual reports and regulatory fees. The companies were to respond to the notice within 30 days of service, by October 26, 2005.

II. COMPANY RESPONSES TO NOTICE

- 6 Twelve companies submitted the delinquent annual reports and paid the delinquent regulatory fees after the Notice was issued. No company requested a hearing.

A. Regulatory compliance achieved.

- 7 The following companies filed delinquent annual reports and regulatory fees, thus achieving regulatory compliance:

BCE Nexxia Corporation
Beaver Creek Telephone Company
Eman Networks
Exergy Group, LLC
Gateway Networks Incorporated
Grande Communications Networks, Inc.
Granite Falls Telephone Company, Inc.
Least Cost Routing, Inc., d/b/a Long Distance Charges
Paracom, Inc.
Phonetec, LP
Transcom Communications, Inc.
WCI Cable, Inc.

B. Commission records updated.

8 Commission records indicate that Lightyear Communications, Inc. changed its name in April of 2004 to Lightyear Network Solutions, LLC. Before Commission records reflected this change the Notice was served on Lightyear Communications, Inc. Because Lightyear Communications, Inc. no longer exists, it is not required to file a 2004 annual report or pay regulatory fees for 2005.

III. DISCUSSION AND DECISION

9 The twelve companies that obtained regulatory compliance by filing delinquent annual reports and regulatory fees will retain their registrations as telecommunications companies. The Commission does not waive the right to impose penalties upon the companies pursuant to RCW 80.04.405.

10 All other companies listed in Attachment A to the Notice failed to respond to the Notice, either by coming into compliance or requesting a hearing on mitigation or on the validity of the allegations of violations. As such, the Commission will find that the respondents failed to file required reports on their operations in Washington State or to pay regulatory fees. The Commission will revoke the

registrations of those companies pursuant to the Notice and WAC 480-121-060. A list of the companies whose registrations as telecommunications companies are revoked by this Order is attached as Attachment 1.

IV. FINDINGS OF FACT

- 11 Having discussed above all matters material to our decision, and having stated our general findings, the Commission now makes the following summary findings of fact. Those portions of the preceding discussion that include findings pertaining to the ultimate facts of the Commission are incorporated by this reference.
- 12 (1) The Washington Utilities and Transportation Commission (Commission) is an agency of the State of Washington vested by statute with the authority to regulate rates, rules, regulations, practices, and accounts of public service companies, including telecommunications companies.
- 13 (2) The companies listed in Attachment A to the Commission's Notice of Impending Revocation of Registration as a Telecommunications Company and Opportunity to Request a Hearing (Notice) are telecommunications companies.
- 14 (3) The Commission served the Notice on September 26, 2005, upon the companies listed in Attachment A to that Notice.
- 15 (4) Ten companies obtained regulatory compliance before October 26, 2005, and two companies obtained regulatory compliance after October 26, 2005. Those companies are (a) BCE Nexxia Corporation, (b) Beaver Creek Telephone Company, (c) Eman Networks, (d) Exergy Group, LLC, (e) Gateway Networks Incorporated, (f) Grande Communications Networks, Inc., (g) Granite Falls Telephone Company, Inc., (h) Least Cost Routing,

Inc., d/b/a Long Distance Charges, (i) Paracom, Inc., (j) Phonetec, LP, (k) Transcom Communications, Inc., and (l) WCI Cable, Inc.

- 16 (5) The remaining companies failed to file an annual report, failed to pay regulatory fees, and failed to request a hearing to challenge cancellation of their registration to conduct business as telecommunications companies under the laws of the State of Washington.
- 17 (6) The companies listed in Attachment 1 to this order failed to file an annual report and failed to pay regulatory fees after the Commission served the Notice. Attachment 1 is incorporated by this reference.

V. CONCLUSIONS OF LAW

18 Having discussed in detail all matters material to this decision, and having stated general conclusions, the Commission now makes the following summary conclusions of law. Those portions of the preceding discussion that state conclusions pertaining to the ultimate decisions of the Commission are incorporated by this reference.

- 19 (1) The Washington Utilities and Transportation Commission (Commission) has jurisdiction over the subject matter of and the parties to this proceeding. *RCW 80.01.040; Chapter 80.36 RCW; Chapter 480-120 WAC; Chapter 480-121 WAC.*
- 20 (2) The companies listed in Attachment A to the Commission's Notice of Impending Revocation of Registration as a Telecommunications Company and Opportunity to Request a Hearing (Notice) are public service companies as defined in RCW 80.04.010 and are registered with the Commission as telecommunications companies under chapter 80.36 RCW and chapter 480-121 WAC.

- 21 (3) The companies listed in Attachment 1 failed to file in 2005 an annual report setting forth company operations during the year 2004, and failed to pay regulatory fees as required by RCW 80.04.080, RCW 80.24.080, and WAC 480-120-382 or WAC 480-120-385.
- 22 (4) The Commission has authority to revoke a company's registration as a telecommunications company for good cause after notice and opportunity for a hearing. *WAC 480-121-060.*
- 23 (5) Because (a) BCE Nexxia Corporation, (b) Beaver Creek Telephone Company, (c) Eman Networks, (d) Exergy Group, LLC, (e) Gateway Networks Incorporated, (f) Grande Communications Networks, Inc., (g) Granite Falls Telephone Company, Inc., (h) Least Cost Routing, Inc., d/b/a Long Distance Charges, (i) Paracom, Inc., (j) Phonetec, LP, (k) Transcom Communications, Inc., and (l) WCI Cable, Inc., obtained regulatory compliance, the Commission should not revoke the registrations at this time.
- 24 (6) The Commission should revoke the registrations of all companies listed in Attachment 1 to this order for failure to file annual reports or failure to pay regulatory fees, in violation of RCW 80.04.080, RCW 80.24.010, and WAC 480-120-303 or WAC 480-120-304.

VI. ORDER

- 25 (1) The Commission hereby revokes the registrations as telecommunications companies of all companies listed in Attachment 1 to this Order.
- 26 (2) This Order Revoking Registration as a Telecommunications Company does not apply to the following companies:

BCE Nexxia Corporation
Beaver Creek Telephone Company
Eman Networks
Exergy Group, LLC
Gateway Networks Incorporated
Grande Communications Networks, Inc.
Granite Falls Telephone Company, Inc.
Least Cost Routing, Inc., d/b/a Long Distance Charges
Paracom, Inc.
Phonetec, LP
Transcom Communications, Inc.
WCI Cable, Inc.

- 27 (3) The Commission retains jurisdiction of the subject matter and the parties to effectuate the provisions of this Order.

DATED at Olympia, Washington, and effective this 19th day of December, 2005.

MARK H. SIDRAN, Chairman

PATRICK J. OSHIE, Commissioner

PHILIP B. JONES, Commissioner

NOTICE TO PARTIES: This is a final order of the Commission. In addition to judicial review, administrative relief may be available through a petition for reconsideration, filed within 10 days of the service of this order pursuant to RCW 34.05.470 and WAC 480-07-850, or a petition for rehearing pursuant to RCW 80.04.200 or RCW 81.04.200 and WAC 480-07-870.