

BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of)	DOCKET NO. UT-050713
)	
PENALTY ASSESSMENT AGAINST)	NOTICE OF BRIEF
EXCEL TELECOMMUNICATIONS,)	ADJUDICATION
INC.)	
)	SETTING TIME FOR ORAL
)	STATEMENTS
)	(Set for September 7, 2005,
.....)	at 9:30 a.m.)

1 On June 28, 2005, the Commission assessed penalties upon Excel Telecommunications, Inc. (also referred to herein as "Excel" or "Respondent") in the amount of \$2,600.00, alleging 26 violations of WAC 480-120-166, which requires telecommunication companies to: 1) report the results of its investigation of service-affecting informal complaints to Commission staff within two business days from the date Commission staff passes the complaint; 2) report the results of non-service-affecting informal complaints to Commission staff within five business days from the date the Commission staff passes the complaint; and, 3) to respond to requests from Commission staff for additional information on pending complaints within three days.

2 On July 21, 2005, Excel Telecommunications, Inc. filed with the Commission an Application for Mitigation of Penalties. Excels asks that the Commission dismiss and/or waive the penalties assessed against the Company or significantly reduce the assessment.

3 On August 10, 2005, Commission Staff filed its response to Excel's Application for Mitigation. Commission Staff recommends and supports mitigating \$800.00 of the penalties assessed against Excel and requests that the Commission deny any further mitigation of penalties.

4 The Administrative Procedure Act¹ and the Commission's rules of practice and procedure² both provide the opportunity for a brief adjudication to allow the consideration of petitions for mitigation of penalties. It appears that the Staff response to application for mitigation and the Respondent's consideration of its mitigation petition will both be best-served by invoking the relatively informal processes relating to brief adjudications, considering agreed evidence without need for an oral hearing, and allowing parties the opportunity to present oral argument.

5 Pursuant to RCW 34.05.482 and WAC 480-07-610, the Commission determines that a brief adjudicative proceeding is appropriate for resolving the issues that are raised in the penalty assessment.

6 The statutes and rules involved in this proceeding include chapter 34.05 RCW, chapter 480-07 WAC and WAC 480-120-166.

7 **NOTICE IS HEREBY GIVEN That a brief adjudicative proceeding for parties to make oral statements will be held on Wednesday, September 7, 2005, at 9:30 a.m. in Room 108, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.** If you are unable to attend in person, you may attend via the Commission's teleconference bridge line at **(360) 664-3846**.

8 The record in this case will consist of any documents regarding the matter that are considered or prepared by the presiding officer for the brief adjudicative proceeding. The record includes all documents submitted as a part of the Penalty Assessment that has been filed. Parties should bring any other documents that they want the presiding officer to consider to the brief adjudicative proceeding on Wednesday, September 7, 2005.

¹ RCW 34.05.482

² WAC 480-07-610

- 9 Written notice of any other formal proceedings that the Commission may deem appropriate will be given during the course of this case. The Commission will provide at its offices in Olympia, Washington, current records of the proceeding for use by the parties or others who may want to review them.
- 10 The names and know mailing addresses of the parties and their known representatives are as follows:

Company: Excel Telecommunications, Inc.
Melissa A. Drennan, Vice President
Litigation and Compliance
2440 Marsh Lane
Carrollton, TX 75006

Commission Staff: Lisa Watson Gafken
Assistant Attorney General
1400 S. Evergreen Park Drive SW
PO Box 40128
Olympia, WA 98504-0128

- 11 Theodora M. Mace, Administrative Law Judge, Washington Utilities and Transportation Commission, Administrative Law Division, is designated as the presiding officer of the brief adjudicative proceeding. Judge Mace's telephone number is (360) 664-1285.

DATED at Olympia, Washington and effective this 17th day of August, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN
Executive Secretary

NOTICE

PLEASE NOTE: The hearing facilities are accessible to interested people with disabilities; that smoking is prohibited; and if limited English-speaking or hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

The information needed to provide an appropriate interpreter or other assistance should be stated below and returned to Washington Utilities and Transportation Commission, Attention: Carole J. Washburn, 1300 S. Evergreen Park Drive SW, P. O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket No.: _____

Case Name: _____

Hearing Date: _____ Hearing Location: _____

Primary Language: _____

Hearing Impaired (Yes) _____ (No) _____

Do you need a certified sign language interpreter:

Visual _____ Tactile _____

Other type of assistance needed: _____

English-speaking person who can be contacted if there are questions:

Name: _____

Address: _____

Phone No.: (____) _____