

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

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

QWEST CORPORATION)	PENALTY ASSESSMENT:
1600 7 th Avenue, Suite 3204)	DOCKET NO. UT-031382
Seattle, WA 98191)	
.....)	PENALTY AMOUNT: \$2800

1 The Washington Utilities and Transportation Commission (Commission) has information on which it believes that you have committed one or more violations of Washington State law or Commission regulation. Based on this information, the Commission hereby notifies you that it has assessed penalties upon you in the amount shown above under the provisions of Title 80, RCW (specifically RCW 80.04.405), and the rules and regulations of the Washington Utilities and Transportation Commission. The violations that are the basis for this penalty assessment are described as follows:

- (a) On August 27, Qwest filed a thirty-six (36) month special contract/site agreement (contract number WA-84875, WUTC Docket No. UT-031382) for LAN Switching Service to become effective upon approval of the Washington Utilities and Transportation Commission, on or before September 26, 2003.
- (b) Upon review of the contract, Staff discovered inconsistencies in the stated effective date throughout the contract itself, the attached schedule, and the essential terms and conditions. Based on the discussion with Qwest's regulatory personnel, Staff learned that the service listed in the contract became effective on August 29, the date when the customer received the service.
- (c) The contract rule, WAC 480-80-142, states, "Contracts must be filed with the commission not less than thirty days before the proposed effective date of the contract." Qwest's filing and implementation of this contract is in apparent violation of the rule. Such conduct supports

a penalty in the amount of \$2800.

- 2 Penalties are due and payable upon receipt of this penalty notice. If for any reason you believe the violations described did not occur, or you have an explanation as to why they occurred, or have other facts you believe the Commission should have considered, the above law provides that you may make application for mitigation of this penalty. To do so, complete the enclosed mitigation form and return it to the Washington Utilities and Transportation Commission, Post Office Box 47250, Olympia, Washington 98504-7250, within FIFTEEN (15) days of your receipt of this penalty notice. If you want a hearing to contest the occurrence of the violation or the amount of the penalty, you may request one in your request for mitigation. If you request a hearing, please state why you believe a hearing is called for in your circumstances. The Commission will consider your plea and notify you of its determination.
- 3 Failure to return the mitigation plea or pay the amount due within 15 days will cause the Commission to refer this matter to the Office of the Attorney General for collection. Suit may then be brought against you and after trial, judgment may be entered against you.

DATED at Olympia, Washington and effective this 10th day of September, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

PATRICK J. OSHIE, Commissioner