

[Service Date November 24, 2009]

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

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

ADVANCED TEL, INC., AIR SPEED,
LLC, AIRNEX COMMUNICATIONS,
INC., CLERTECH.COM, DIGITLINE
EXPRESS, LLC, EMAN NETWORKS,
FOX COMMUNICATION, LLC, GLOBAL
TELECOM & TECHNOLOGY
AMERICAS, INC., GLOBETEL, INC., GTC
TELECOM CORP., LSSI DATA
CORPORATION, MOMENTUM
TELECOM, INC., QUALITY
TELEPHONE, INC., V-GLOBAL
COMMUNICATIONS, INC. AND WTI,
LLC,

Respondents.

.....

) DOCKET UT-091666
)
)
) COMPLAINT FOR REVOCATION
) OF REGISTRATION FOR FAILURE
) TO PAY REGULATORY FEES AND
) FAILURE TO FILE ANNUAL
) REPORT; and
)
) NOTICE OF HEARING
) **(Set for February 1, 2010,**
) **at 1:00 p.m.)**

- 1 **Synopsis:** *The Commission seeks revocation of the registrations of telecommunications companies that have failed to pay regulatory fees as required by RCW 80.24.010 and failed to file an annual report as required by RCW 80.04.080.*

- 2 **Proceedings:** Telecommunications companies operating in Washington state are required to file annual reports setting forth company operations during the preceding year. In addition, these telecommunications companies must pay annual regulatory fees to the Washington Utilities and Transportation Commission (Commission). Annual reports and regulatory fees are due on or before May 1.

3 The staff of the Commission (Staff)¹ sends annual report forms in the spring to all
telecommunications companies registered with the Commission. Accordingly, Staff
mailed a forms packet to the address on record with the Commission for each
registered company, including the companies named in this complaint (Companies).
A search of Commission records indicates that the Companies did not comply with
requirements for paying the annual regulatory fee and reporting requirements.
Consequently, Staff asks the Commission to issue this complaint seeking revocation
of each Company's registration for failure to pay regulatory fees or file an annual
report.

I. COMPLAINT

4 The Commission on its own motion, and through its Staff, alleges as follows:

5 Every public service company operating in Washington state is required to file an
annual report that sets forth the company's operations during the preceding year.
RCW 80.04.080.

6 In addition, every public service company subject to regulation by the Commission
must pay a regulatory fee each year on or before the date specified by the
Commission. *RCW 80.24.010.*

7 The term "public service company" includes every telecommunications company.
RCW 80.04.010.

8 Commission rules require all telecommunications companies to file annual reports
and pay regulatory fees by May 1. *WAC 480-120-382* (competitively classified
companies); *WAC 480-120-385* (companies not classified as competitive).

9 The Commission may revoke the registration of a telecommunications company for
failure to file an annual report or pay regulatory fees. *WAC 480-121-060.*

¹ In formal proceedings, 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 this proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See, RCW 34.05.455.*

- 10 Staff conducted its yearly compliance review of annual report and regulatory fee filings for telecommunications companies registered with the Commission. This review generated a list of companies that had failed to pay regulatory fees for 2009 or failed to submit annual reports for 2008. Since then, a number of companies have come into compliance. Those companies that still have not paid 2009 regulatory fees or filed 2008 annual reports are named as respondents in this complaint.
- 11 Advanced Tel, Inc. (Advanced Tel) is a public service company as defined in RCW 80.04.010. Advanced Tel provides telecommunications services in the state of Washington for compensation and is registered under RCW 80.36 and WAC 480-121. From the Commission's files and records, it appears that Advanced Tel failed to pay the required regulatory fees and file its annual report due on May 1, 2009.
- 12 Air Speed, LLC (Air Speed) is a public service company as defined in RCW 80.04.010. Air Speed provides telecommunications services in the state of Washington for compensation and is registered under RCW 80.36 and WAC 480-121. From the Commission's files and records, it appears that Air Speed failed to pay the required regulatory fees and file its annual report due on May 1, 2009.
- 13 Airnex Communications, Inc. (Airnex) is a public service company as defined in RCW 80.04.010. Airnex provides telecommunications services in the state of Washington for compensation and is registered under RCW 80.36 and WAC 480-121. From the Commission's files and records, it appears that Airnex failed to pay the required regulatory fees and file its annual report due on May 1, 2009.
- 14 Clertech.com is a public service company as defined in RCW 80.04.010. Clertech.com provides telecommunications services in the state of Washington for compensation and is registered under RCW 80.36 and WAC 480-121. From the Commission's files and records, it appears that Clertech.com failed to pay the required regulatory fees and file its annual report due on May 1, 2009.
- 15 DigitLine Express, LLC (DigitLine) is a public service company as defined in RCW 80.04.010. DigitLine provides telecommunications services in the state of Washington for compensation and is registered under RCW 80.36 and WAC 480-121. From the Commission's files and records, it appears that DigitLine failed to pay the required regulatory fees and file its annual report due on May 1, 2009.

- 16 EMAN Networks (EMAN) is a public service company as defined in RCW 80.04.010. EMAN provides telecommunications services in the state of Washington for compensation and is registered under RCW 80.36 and WAC 480-121. From the Commission's files and records, it appears that EMAN failed to pay the required regulatory fees and file its annual report due on May 1, 2009.
- 17 Fox Communication, LLC (Fox) is a public service company as defined in RCW 80.04.010. Fox provides telecommunications services in the state of Washington for compensation and is registered under RCW 80.36 and WAC 480-121. From the Commission's files and records, it appears that Fox failed to pay the required regulatory fees and file its annual report due on May 1, 2009.
- 18 Global Telecom & Technology Americas, Inc. (Global) is a public service company as defined in RCW 80.04.010. Global provides telecommunications services in the state of Washington for compensation and is registered under RCW 80.36 and WAC 480-121. From the Commission's files and records, it appears that Global failed to pay the required regulatory fees and file its annual report due on May 1, 2009.
- 19 Globetel, Inc. (Globetel) is a public service company as defined in RCW 80.04.010. Globetel provides telecommunications services in the state of Washington for compensation and is registered under RCW 80.36 and WAC 480-121. From the Commission's files and records, it appears that Globetel failed to pay the required regulatory fees and file its annual report due on May 1, 2009.
- 20 GTC Telecom Corp. (GTC) is a public service company as defined in RCW 80.04.010. GTC Telecom provides telecommunications services in the state of Washington for compensation and is registered under RCW 80.36 and WAC 480-121. From the Commission's files and records, it appears that GTC Telecom failed to pay the required regulatory fees and file its annual report due on May 1, 2009.
- 21 LSSi Data Corporation (LSSi) is a public service company as defined in RCW 80.04.010. LSSi provides telecommunications services in the state of Washington for compensation and is registered under RCW 80.36 and WAC 480-121. From the Commission's files and records, it appears that LSSi failed to pay the required regulatory fees and file its annual report due on May 1, 2009.

- 22 Momentum Telecom, Inc. (Momentum) is a public service company as defined in RCW 80.04.010. Momentum provides telecommunications services in the state of Washington for compensation and is registered under RCW 80.36 and WAC 480-121.
- 23 On March 12, 2009, in Docket UT-090385, Momentum petitioned the Commission for an exemption from WAC 480-120-382 and requested an extension to file its 2008 annual report no later than June 15, 2009. On March 26, 2009, the Commission issued an order granting Momentum's request for an extension. From the Commission's files and records, it appears that Momentum failed to pay the required regulatory fees due on May 1, 2009, or file its annual report due no later than June 15, 2009.
- 24 Quality Telephone, Inc. (Quality) is a public service company as defined in RCW 80.04.010. Quality provides telecommunications services in the state of Washington for compensation and is registered under RCW 80.36 and WAC 480-121. From the Commission's files and records, it appears that Quality failed to pay the required regulatory fees and file its annual report due on May 1, 2009. The Commission received an incomplete annual report from this Company on November 17, 2009, and notified the Company that only a complete annual report would be accepted.
- 25 V-Global Communications, Inc. (V-Global) is a public service company as defined in RCW 80.04.010. V-Global provides telecommunications services in the state of Washington for compensation and is registered under RCW 80.36 and WAC 480-121. From the Commission's files and records, it appears that V-Global failed to pay the required regulatory fees and file its annual report due on May 1, 2009.
- 26 WTI, LLC (WTI) is a public service company as defined in RCW 80.04.010. WTI provides telecommunications services in the state of Washington for compensation and is registered under RCW 80.36 and WAC 480-121. From the Commission's files and records, it appears that WTI failed to pay the required regulatory fees and file its annual report due on May 1, 2009.

II. REQUEST FOR RELIEF

- 27 Staff asks the Commission to find that the Companies failed to comply with RCW 80.24.010, RCW 80.04.080, and with WAC 480-120-382 by failing to pay 2009 regulatory fees or file 2008 annual reports.

28 Staff requests that the Commission, pursuant to its authority in WAC 480-121-060, revoke the registrations of respondent telecommunications companies.

III. PROBABLE CAUSE

29 Based on a review of the Declaration of Sheri Hoyt regarding her investigation of Commission records pertaining to the submission of annual reports and regulatory fees by telecommunications companies, and consistent with RCW 80.01.060 and WAC 480-07-307, the Commission finds probable cause exists to issue this Complaint.

IV. NOTICE OF HEARING

30 **NOTICE IS HEREBY GIVEN that a hearing in this matter will be held on February 1, 2010, 1:00 p.m., in Room 206, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.** If you are unable to attend the hearing in person, you may attend via the Commission's teleconference bridge line at **360-664-3846**. Please appear on the teleconference bridge five minutes before the conference is scheduled to begin.

31 The Commission will hear this matter under the Administrative Procedure Act (APA) at RCW 34.05, including but not limited to RCW 34.05.413, RCW 34.05.431, RCW 34.05.434, RCW 34.05.440, RCW 34.05.449, and RCW 34.05.452. The Commission also will follow its procedural rules in WAC 480-07 in this proceeding, including but not limited to WAC 480-07-145, WAC 480-07-150, WAC 480-07-305, WAC 480-07-440, WAC 480-07-450, WAC 480-07-470, WAC 480-07-490, and WAC 480-07-495. The Commission has jurisdiction over this matter pursuant to RCW 80.01.040, RCW 80.04.80, RCW 80.04.110, RCW 80.04.160, RCW 80.04.470, and RCW 80.24.010, and pursuant to RCW 80.36 and WAC 480-121.

32 **THE COMMISSION GIVES FURTHER NOTICE that any party who fails to attend or participate in the hearing set by this notice, or any other stage of this proceeding, may be held in default in accordance with RCW 34.05.440 and WAC 480-07-450.**

33 If any party or witness needs an interpreter or other assistance, please fill out the form attached to this notice and return it to the Commission.

34 The names and mailing addresses of all known parties and their known representatives are as follows:

Complainant: Washington Utilities and
Transportation Commission
1300 S. Evergreen Park Drive S.W.
PO Box 47250
Olympia, WA 98504-7250

Representative: Michael Fassio
Assistant Attorney General
1400 S. Evergreen Park Drive S.W.
P.O. Box 40128
Olympia, WA 98504-0128
(360) 664-1192

Respondent: Advanced Tel, Inc.
30575 Trabuco Canyon Road, Suite 200
Trabuco Canyon, CA 92679

Respondent: Air Speed, LLC
421 C Street, Unit A-1
Washougal, WA 98671

Respondent: Airnex Communications, Inc.
3180 Crow Canyon Place, Suite 109
San Ramon, CA 94583

Respondent: Clertech.com
3500 North State Road 7
Lauderdale Lakes, FL 33319

Respondent: DigitLine Express, LLC
232 Broadway
Brooklyn, NY 11211

and

PO Box 333783
Fort Worth, TX 76162

Respondent: EMAN Networks
31760 40th Avenue South
Roy, WA 98580

Respondent: Fox Communication, LLC
10230 Points Drive, Suite 540
Kirkland, WA 98033

Respondent: Global Telecom & Technology Americas, Inc.
8484 Westpark Drive, Suite 720
McLean, VA 22102

Respondent: Globetel, Inc.
690-2700 Production Way
Burnaby, BC V5A-4X1

and

30-9088 Halston Court
Burnaby, BC V3N-4L8

Respondent: GTC Telecom Corp.
PO Box 1680
Costa Mesa, CA 92628

and

3151 Airway Avenue, Suite P-3
Costa Mesa, CA 92626

Respondent: LSSi Data Corporation
2401 North Glassel
Orange, CA 92867

Respondent: Momentum Telecom, Inc.
2700 Corporate Drive, Suite 200
Birmingham, AL 35242

Respondent: Quality Telephone, Inc.
PO Box 7310
Dallas, TX 75209

Respondent: V-Global Communications, Inc.
PO Box 7310
Dallas, TX 75209

Respondent: WTI, LLC
PO Box 1132
Port Hadlock, WA 98339-1132

35 Marguerite E. Friedlander is appointed as the Administrative Law Judge from the Utilities and Transportation Commission's Administrative Law Division, 1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504-7250, and will preside at the hearing.

36 Notice of any other procedural phase will be given in writing or on the record as the Commission may deem appropriate during the course of this proceeding.

DATED at Olympia, Washington, and effective November 24, 2009.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

ANN E. RENDAHL
Director, Administrative Law Division

Inquiries may be addressed to:

Executive Director and Secretary
Washington Utilities and
Transportation Commission
Richard Hemstad Building
1300 S. Evergreen Park Drive S.W.
P. O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

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: David W. Danner, 1300 S. Evergreen Park Drive SW, P.O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket: _____

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.: (____)_____