

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION, Complainant, v. COSPEED, LLC, CVC CLEC, LLC, GO SOLO TECHNOLOGIES, INC., GRASSHOPPER GROUP, LLC, NET TALK.COM, INC., NOWYR, INC., PELZER COMMUNICATIONS CORPORATION, PRICERIGHT COMMUNICATIONS, LLC, PUGET SOUND TELECOMMUNICATIONS, LLC d/b/a PUGET SOUND TELECOM LLC, TELEFONICA USA, INC., TELMEX USA, L.L.C., VANCO US, LLC, VERTEX TELECOM, INC., Respondents.

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 registered with the Washington Utilities and Transportation Commission (Commission) must file annual reports setting forth company operations during the preceding year. In addition, these telecommunications companies must pay annual regulatory fees to the Commission. Annual reports and regulatory fees are due on or before May 1.

3 Each year, in advance of this deadline, the Commission distributes annual report forms to all registered telecommunications companies. Incorporated into the annual

report form is a regulatory fee calculation schedule, which provides companies with step-by-step assistance in calculating their regulatory fees.

4 On February 29, 2012, the Commission mailed an annual report form to the address on record with the Commission for each registered telecommunications company, including CoSpeed, LLC, CVC CLEC, LLC, Go Solo Technologies, Inc., Grasshopper Group, LLC, NET TALK.Com, Inc., noWYR, Inc., Pelzer Communications Corporation, Priceright Communications, LLC, Puget Sound Telecommunications, LLC d/b/a Puget Sound Telecom, LLC, Telefonica USA, Inc., Telmex USA, L.L.C., Vanco US, LLC, and Vertex Telecom, Inc. (collectively “the Companies”). A search of Commission records indicates that each of the Companies failed to file an annual report and remit a regulatory fee. Accordingly, Commission Staff (Staff)¹ asks the Commission to issue this Complaint seeking revocation of each company’s registration for violation of the reporting and regulatory fee requirements of RCW 80.24.010, RCW 80.04.080, and WAC 480-120-382.

I. COMPLAINT

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

6 Every public service company subject to regulation by the Commission is required to file an annual report that sets forth the company’s operations during the preceding year. RCW 80.04.080.

7 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.

8 The term “public service company” includes every telecommunications company. RCW 80.04.010.

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.

- 9 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).
- 10 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.
- 11 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 2012 or failed to submit 2011 annual reports. Those companies that still have not paid 2012 regulatory fees or filed 2011 annual reports are named as respondents in this complaint.
- 12 CoSpeed, LLC (CoSpeed) is a public service company as defined in RCW 80.04.010. CoSpeed is registered under RCW 80.36 and WAC 480-121 to provide telecommunications services in the state of Washington. From the Commission's files and records, it appears that CoSpeed failed to pay the required regulatory fees and file the annual report due on May 1, 2012.
- 13 CVC CLEC, LLC (CVC) is a public service company as defined in RCW 80.04.010. CVC is registered under RCW 80.36 and WAC 480-121 to provide telecommunications services in the state of Washington. From the Commission's files and records, it appears that CVC failed to pay the required regulatory fees and file the annual report due on May 1, 2012.
- 14 Go Solo Technologies, Inc. (Go Solo) is a public service company as defined in RCW 80.04.010. Go Solo is registered under RCW 80.36 and WAC 480-121 to provide telecommunications services in the state of Washington. From the Commission's files and records, it appears that Go Solo failed to pay the required regulatory fees and file the annual report due on May 1, 2012.
- 15 Grasshopper Group, LLC (Grasshopper) is a public service company as defined in RCW 80.04.010. Grasshopper is registered under RCW 80.36 and WAC 480-121 to provide telecommunications services in the state of Washington. From the Commission's files and records, it appears that Grasshopper failed to pay the required regulatory fees and file the annual report due on May 1, 2012.

- 16 NET TALK.Com, Inc. (NET TALK) is a public service company as defined in RCW 80.04.010. NET TALK is registered under RCW 80.36 and WAC 480-121 to provide telecommunications services in the state of Washington. From the Commission's files and records, it appears that NET TALK failed to pay the required regulatory fees and file the annual report due on May 1, 2012.
- 17 noWYR, Inc. (noWYR) is a public service company as defined in RCW 80.04.010. noWYR is registered under RCW 80.36 and WAC 480-121 to provide telecommunications services in the state of Washington. From the Commission's files and records, it appears that noWYR failed to pay the required regulatory fees and file the annual report due on May 1, 2012.
- 18 Pelzer Communications Corporation (Pelzer) is a public service company as defined in RCW 80.04.010. Pelzer is registered under RCW 80.36 and WAC 480-121 to provide telecommunications services in the state of Washington. From the Commission's files and records, it appears that Pelzer failed to pay the required regulatory fees and file the annual report due on May 1, 2012.
- 19 Priceright Communications, LLC (Priceright) is a public service company as defined in RCW 80.04.010. Priceright is registered under RCW 80.36 and WAC 480-121 to provide telecommunications services in the state of Washington. From the Commission's files and records, it appears that Priceright failed to pay the required regulatory fees and file the annual report due on May 1, 2012.
- 20 Puget Sound Telecommunications, LLC d/b/a Puget Sound Telecom, LLC (Puget Sound Telecom) is a public service company as defined in RCW 80.04.010. Puget Sound Telecom is registered under RCW 80.36 and WAC 480-121 to provide telecommunications services in the state of Washington. From the Commission's files and records, it appears that Puget Sound Telecom failed to pay the required regulatory fees and file the annual report due on May 1, 2012.
- 21 Telefonica USA, Inc. (Telefonica) is a public service company as defined in RCW 80.04.010. Telefonica is registered under RCW 80.36 and WAC 480-121 to provide telecommunications services in the state of Washington. From the Commission's files and records, it appears that Telefonica failed to pay the required regulatory fees and file the annual report due on May 1, 2012.

- 22 Telmex USA, L.L.C. (Telmex) is a public service company as defined in RCW 80.04.010. Telmex is registered under RCW 80.36 and WAC 480-121 to provide telecommunications services in the state of Washington. From the Commission's files and records, it appears that Telmex failed to pay the required regulatory fees and file the annual report due on May 1, 2012.
- 23 Vanco US, LLC (Vanco) is a public service company as defined in RCW 80.04.010. Vanco is registered under RCW 80.36 and WAC 480-121 to provide telecommunications services in the state of Washington. From the Commission's files and records, it appears that Vanco failed to pay the required regulatory fees and file the annual report due on May 1, 2012.
- 24 Vertex Telecom, Inc. (Vertex) is a public service company as defined in RCW 80.04.010. Vertex is registered under RCW 80.36 and WAC 480-121 to provide telecommunications services in the state of Washington. From the Commission's files and records, it appears that Vertex failed to pay the required regulatory fees and file the annual report due on May 1, 2012.
- 25 In sum, the foregoing 13 Companies have failed to remit 2012 regulatory fees and file 2011 annual reports.

II. REQUEST FOR RELIEF

- 26 Staff asks the Commission to find that the Companies failed to comply with RCW 80.24.010, RCW 80.04.080, and WAC 480-120-382 by failing to pay 2012 regulatory fees and file 2011 annual reports.
- 27 Staff requests that the Commission, pursuant to its authority in WAC 480-121-060, revoke the registrations of respondent telecommunications companies.

III. PROBABLE CAUSE

- 28 Based on a review of the Declaration of Mathew Perkinson regarding his 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

- 29 **NOTICE IS HEREBY GIVEN that a hearing in this matter will be held on February 4, 2013, at 10:30 a.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.
- 30 The Commission will hear this matter under the Administrative Procedure Act (APA) at RCW34.05, including but not limited to RCW 34.05.413, RCW 34.05.422, 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.
- 31 **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.**
- 32 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.
- 33 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: Jennifer Cameron-Rulkowski
Assistant Attorney General
1400 S. Evergreen Park Drive S.W.
P.O. Box 40128
Olympia, WA 98504-0128
(360) 664-1186

Respondent: CoSpeed, LLC
890 Winona Ave.
Pasadena, CA 91103

Respondent: CVC CLEC, LLC
2922 S. Roosevelt Street
Tempe, AZ 85282

Respondent: Go Solo Technologies, Inc.
10701 Danka Way N., Suite 100
St. Petersburg, FL 33716-3705

Respondent: Grasshopper Group, LLC
197 1st Ave., Suite 200
Needham, MA 02494

Respondent: NET TALK.Com, Inc.
1100 NW 163rd Dr., Suite 3
Miami, FL 33169

Respondent: noWYR, Inc.
P.O. Box 1090
Graham, WA 98338-1090

Respondent: Pelzer Communications Corporation
3106 Saint Florence Terrace
Olney, MD 20832

Respondent: Priceright Communications, LLC
855 Cody Lane
Pensacola FL, 32514

Respondent: Puget Sound Telecommunications, LLC d/b/a Puget
Sound Telecom, LLC
10605 SE 240th St.
PMB 120
Kent, WA 98031

Respondent: Telefonica USA Inc.
1111 Brickell Ave., 10th Floor
Miami, FL 33133

Respondent: Telmex USA, L.L.C.
3350 SW 148 Avenue, Suite 400
Miramar, FL 33027

Respondent: Vanco US, LLC
200 S. Wacker Drive, Suite 1600
Chicago, IL 60606

Respondent: Vertex Telecom, Inc.
624 S. Grand Ave., Suite 2960
Los Angeles, CA 90017

34 Stephany A. Watson 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.

- 35 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 December 31, 2012.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



GREGORY J. KOPTA
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.: (____) _____