

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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PENALTY ASSESSMENT UT-150802

JUN 08 2015

PLEASE NOTE: You must complete and sign this document, and send it to the Commission within 15 days after you receive the penalty assessment. Use additional paper if needed. WASH. UT. & TR. COMM

I have read and understand RCW 9A.72.020 (printed below), which states that making false statements under oath is a class B felony. I am over the age of 18, am competent to testify to the matters set forth below and I have personal knowledge of those matters. I hereby make, under oath, the following statements.

[ ] 1. Payment of penalty. I admit that the violations occurred. I have:

[ ] Enclosed \$ \_\_\_\_\_ in payment of the penalty

[ ] Submitted my payment of \$ \_\_\_\_\_ online at www.utc.wa.gov. My confirmation number is \_\_\_\_\_.

[ ] 2. Request for a hearing. I believe that one or more of the alleged violations did not occur, for the reasons I describe below, and I request a hearing based on those reasons for a decision by an administrative law judge:

[ ] 3. Application for mitigation. I admit the violations, but I believe that the penalty should be reduced for the reasons set out below:

See Attached Statement

[ ] a) I ask for a hearing to present evidence on the information I provide above to an administrative law judge for a decision

OR [X] b) I ask for a Commission decision based solely on the information I provide above.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing, including information I have presented on any attachments, is true and correct.

Dated: 6/3/2015 [month/day/year], at Wenatchee [city, state]

Washington Name of Respondent (company) - please print

Andrew M. [Signature] Signature of Applicant

RCW 9A.72.020:

"Perjury in the first degree. (1) A person is guilty of perjury in the first degree if in any official proceeding he makes a materially false statement which he knows to be false under an oath required or authorized by law. (2) Knowledge of the materiality of the statement is not an element of this crime, and the actor's mistaken belief that his statement was not material is not a defense to a prosecution under this section. (3) Perjury in the first degree is a class B felony."

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WASH. UT. & TP. COMM

Dear, WUTC,

CATTComm LLC is a newly established CLEC achieving CLEC status mid year 2014. When the company received the 2014 annual report forms we contacted the WUTC directly. We spoke with Ms. Susie Paul and explained that we did not have operations as a CLEC in 2014. Ms. Paul informed us that it would not be necessary to complete the annual report form and that an email explaining our 2014 status should be emailed to her and that her reply would be confirmation of waiver.

I have attached a print out of the email transaction between Jenny Rickel the CATTComm Chief Operating Officer and Susie Paul as evidence of our compliance.

I respectfully request a waiver of any fines associated with the 2014 reporting violations. I understand the requirements of the state of Washington Utilities and Transportation Commission going forward and fully intend to comply with all reporting requirements.

Sincerely,

Andrew Metcalf  
Managing Member  
CATTComm LLC

## Andrew Metcalfe

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**From:** Jenny Rickel  
**Sent:** Tuesday, June 02, 2015 4:24 PM  
**To:** Andrew Metcalfe  
**Subject:** FW: CATTCOMM Response

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WASH. UT. & TP. COMM

Andy, I believe this is why we should not have a penalty.

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**From:** Paul, Susie (UTC) [<mailto:spaul@utc.wa.gov>]  
**Sent:** Tuesday, April 07, 2015 1:13 PM  
**To:** Jenny Rickel  
**Subject:** RE: CATTCOMM Response

Hi Jenny,

Thank you for your response. Based on your email, no further response is required. Please let me know if you have any questions.

**Susie Paul**  
Consumer Protection and Communications  
Phone: (360) 664-1105  
[spaul@utc.wa.gov](mailto:spaul@utc.wa.gov)

**Utilities and Transportation Commission**  
Respect. Professionalism. Integrity. Accountability.

[www.utc.wa.gov](http://www.utc.wa.gov)



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**From:** Jenny Rickel [<mailto:jrickel@cattcomm.com>]  
**Sent:** Tuesday, April 07, 2015 1:01 PM  
**To:** Paul, Susie (UTC)  
**Subject:** CATTCOMM Response

Dear Susie,

We have not had any CLEC business to date. We are in the process of turning up our switch.

Please let me know if I need to do anything else other than this email.

Thanks! Jenny

Jenny Rickel  
**CATTCOMM, LLC**  
O: 877.857.2288 (CATT)  
C: 509.661.5100

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

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

**PENALTY ASSESSMENT: UT-150802  
PENALTY AMOUNT: \$1,000**

CATTCOMM LLC  
250 E. PENNY ROAD, STE 200  
WENATCHEE, WA 98801

According to Washington Utilities and Transportation Commission (Commission) records, you have violated Washington Administrative Code (WAC) 480-120-382, which requires telecommunications companies to file your annual report and pay regulatory fees each year by May 1. You did not file an annual report or pay regulatory fees by May 1, 2015.

Revised Code of Washington (RCW) 80.04.080 authorizes the Commission to assess a penalty of \$100 for each violation of a Commission rule. In the case of a continuing violation, every day's continuance is a separate and distinct violation. The Commission interprets noncompliance with WAC 480-120-382 beyond May 1 as a continuing violation, and assesses penalties of \$100 for each day a company fails to file its report or pay its regulatory fees after that date.

As a result, the Commission has assessed penalties against you in the amount of \$1,000 on the following basis:

On February 27, 2015, the Commission mailed the 2014 annual report forms and the 2015 regulatory fee packets to all telecommunications companies registered in Washington. The instructions page for the annual report form instructed these companies to file annual reports and pay regulatory fees by May 1, 2015. The instructions page also stated that failure to file the annual report by May 1 would result in penalties. The deadline for requesting an extension to file your annual report was April 15. You did not request an extension.

As of May 15, 2015, CATTCOMM LLC has not filed its 2014 annual report or paid its 2015 regulatory fee. May 15 is 10 business days from May 1, resulting in a total penalty of \$1,000.

Your penalty is due and payable now. If you believe the violation did not occur, you may request a hearing to contest the penalty assessment. The Commission will grant that request only if material issues of law or fact require consideration of evidence and resolution in a hearing. A request for a hearing must include a written statement of the reasons supporting that request. Failure to provide such a statement will result in denial of the request.

If there is a reason for the violation that you think should excuse or reduce the penalty, you may ask for mitigation (reduction) of this penalty through evidence presented at a hearing or in writing. The Commission will grant a request for a hearing only if material issues of law or fact require consideration of evidence and resolution in a hearing. Any request for mitigation must include a written statement of the reasons supporting that request. Failure to provide such a statement will result in denial of the request. See RCW 80.04.405.

If you properly present your request for a hearing and the Commission grants that request, the Commission will review the evidence supporting your dispute of the violation or application for mitigation in a Brief Adjudicative Proceeding, before an administrative law judge. The administrative law judge will consider the evidence and will notify you of his or her decision.

**You must act within 15 days after receiving this notice** to do one of the following:

- Pay the amount due.
- Request a hearing to contest the occurrence of the violations.
- Request mitigation to contest the amount of the penalty.

Please indicate your selection on the enclosed form and send it to the Washington Utilities and Transportation Commission, Post Office Box 47250, Olympia, Washington 98504-7250, **within FIFTEEN (15) days** after you receive this notice.

**If you do not act within 15 days**, the Commission may refer this matter to the Office of the Attorney General for collection, which may file suit in state court to collect the penalty. The Commission may also initiate proceedings under WAC 480-121-060 to revoke your authority to provide telecommunications services in Washington.

DATED at Olympia, Washington, and effective June 2, 2015.

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GREGORY J. KOPTA  
Administrative Law Judge