

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT UT-150850

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.

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:

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

[] 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. *attached*

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: 6-10-15 [month/day/year], at Santa Barbara, CA [city, state]

KAREN POYTHRESS
Name of Respondent (company) – please print

Karen Poythress
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.”

2015 JUN 15 PM 1:59
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



June 10, 2015

Washington Utilities and Transportation Commission
PO Box 47250
Olympia, WA 98504-7250

RE: Penalty Assessment UT-150850, \$1,000

As I am located in Santa Barbara, California, I don't think it feasible to request a hearing before an administrative law judge. Please consider mitigation of the assessed penalty.

TeleSpan Communications LLC has been registered with the State of Washington for at least five years. The project we attempted to secure was never awarded. I have filed the regulatory paperwork with -0- annual revenue in the State of Washington faithfully to keep the certification active in the event a suitable project for our company might arise.

I filed the 2014 Annual Report in a timely manner on April 23, 2015 to make sure it was filed on time before I left for vacation. Always in the past I have filed the Annual Report with the "-0- Washington revenue" but included the total company revenue. This year I opted to redact the financial information and in doing so, apparently filed it incorrectly. I read the instructions and code section WAC 480-07-160 and noted on the document *confidential*, as instructed. I misunderstood that there was also to be a page included with the actual word *redacted* on it and the total company revenue removed. I mistakenly thought the instructions indicated that the redaction would be completed at the commission level.

In all of the email that arrived while I was on vacation, I inadvertently missed the notice dated April 24, 2015 and was unaware that the report wasn't deemed "complete" until I received the courtesy email forwarded to me last week by Mr. Cotter. The printed penalty assessment notices have since arrived in the U.S. Mail.

Earlier today I forwarded the corrected redacted page 4 to Pam Callea per her original email correspondence April 24, 2015 after her assistance via a phone call.

The report itself with -0- Washington revenue was filed prior to the May 1 deadline. It was just a minor change that was needed for it to be deemed "complete."

Please reduce the \$1,000 penalty to \$100 penalty as a single code violation penalty per RCW 80.04.080. That amount seems reasonable for my unintentional error.

Thank you,

Karen Poythress
Vice President

STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION
COMMISSION

2015 JUN 15 PM 1:59

RECEIVED
OFFICE OF THE ASSISTANT
ATTORNEY GENERAL

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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

SERVICE DATE

JUN - 5 2015

PENALTY ASSESSMENT: UT-160850

PENALTY AMOUNT: \$1,000

TELESPAN COMMUNICATIONS, LLC
3888 STATE ST, SUITE 204
SANTA BARBARA, CA 93105-3164

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.

On April 23, 2015, Telespan Communications, LLC filed an incomplete 2014 annual report and paid its 2015 regulatory fee. As of May 15, the report remains incomplete. 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 5, 2015.



GREGORY J. KOPTA
Administrative Law Judge