

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION  
COMMISSION

WASHINGTON UTILITIES AND	)	DOCKET NO. UT- 001820
TRANSPORTATION COMMISSION,	)	
	)	
Complainant,	)	
	)	
v.	)	COMPLAINT AND NOTICE OF
	)	ADJUDICATION
COMTEX CORPORATION,	)	
	)	
Respondent.	)	
.....	)	

1 The Washington Utilities and Transportation Commission (Commission) on its own motion, and through its Staff, alleges as follows:

**I. PARTIES**

2 The Commission is an agency of the State of Washington, authorized by state law to regulate the rates, practices, accounts, and services of public service companies, including telecommunications companies, under the provisions of Title 80 RCW.

3 Respondent Comtex Corporation (“Respondent” or “the company”) is a telecommunications company subject to regulation by the Commission pursuant to RCW 80.01.040(3), and is registered to offer telecommunications services to the public.

**II. JURISDICTION**

4 The Commission has jurisdiction in this matter pursuant to RCW 80.01.040, RCW 80.04.110, and RCW 80.36.350.

**III. STATEMENT OF FACTS**

5 Respondent is registered with the Commission as a telecommunications company pursuant to RCW 80.36.350.

- 6 In late 2000, Commission Staff began an investigation of the Respondent based on consumer complaints to determine if the company had engaged in selling prepaid calling cards without first showing that it has a satisfactory arrangement to protect customer monies as stated in WAC 480-121-040, and as specifically required as a precondition of collecting advance payments or deposits by the Commission's order authorizing Comtex's registration as a telecommunications company in Docket No. UT-981174.
- 7 On December 26, 2000, Commission Staff made requests to the Respondent to produce records related to the staff investigation. The company did not respond.
- 8 On January 26, 2001, the Commission issued an Order to Produce Records in Docket No. UT-001820. The Commission directed, within this Order, that Comtex Corporation produce the records by February 16, 2001.
- 9 The Commission has not received a response from the company. Because Comtex Corporation did not respond, the Commission issued a Notice of Penalties in the amount of \$1,750.00 on May 1, 2001.
- 10 To date, the company has not responded to the Notice of Penalties.

#### **IV. FIRST CLAIM FOR RELIEF (additional penalties)**

- 11 The Commission, through its Staff, realleges paragraphs 1-10 above.
- 12 RCW 80.04.380 provides, in part:

Any public service company which shall violate or fail to comply with any provision of this title, or which fails, omits or neglects to obey, observe or comply with any order, rule, or any direction, demand or requirement of the commission, shall be subject to a penalty of not to exceed the sum of one thousand dollars for each and every offense. Every violation of any such order, direction or requirement of this title shall be a separate and distinct offense, and in case of a continuing violation every day's continuance thereof shall be and be deemed to be a separate and distinct offense.

- 13 Because the Respondent has failed to pay the penalty imposed upon it by the Commission, and because this is the second instance in a six-month period in which

the Respondent failed to act as directed by an order of the Commission, the Respondent should be penalized an additional amount pursuant to RCW 80.04.380.

**V. SECOND CLAIM FOR RELIEF  
(revocation of registration)**

- 14 The Commission, through its Staff, realleges paragraphs 1-10 above.
- 15 WAC 480-121-060 provides that “The commission may revoke a registration, after hearing, for good cause. Good cause includes, but is not limited to, failure to . . . (6) Comply with applicable . . . state and local telecommunications and business regulations; . . .”
- 16 Because the Respondent has failed to pay the penalty imposed upon it by the Commission, and because this is the second instance in a six-month period in which the Respondent failed to act as directed by an order of the Commission, good cause exists to revoke Comtex Corporation’s registration as a telecommunications company pursuant to WAC 480-121-060.
- 17 THEREFORE, the Commission enters into a full and complete investigation into the matters alleged and will commence public hearings pursuant to chapter 34.05 RCW and chapter 480-09 WAC for the following purposes:
- 18 (1) To determine whether Comtex Corporation has failed to comply with applicable orders of the Commission as set forth in the allegations above.
- 19 (2) To determine whether the Commission should assess additional monetary penalties against the Respondent based on alleged violations of Commission rules identified by Staff during its investigation of company practices.
- 20 (3) To determine whether the Commission should revoke the Respondent’s registration as a telecommunications company pursuant to WAC 480-121-060. To make such other determinations and enter such orders as may be just and reasonable.

DATED at Olympia, Washington, and effective this \_\_\_\_ day of September, 2001.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner