

STAFF INVESTIGATION

WTI, LLC

Docket UT-070607

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Compliance Specialist
Business Practices Investigations
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PURPOSE, SCOPE, AND AUTHORITY

Purpose

The purpose of Docket Number UT-070607 is an investigation into the complaint response practices of WTI, LLC (WTI) by the Staff of the Washington Utilities and Transportation Commission (UTC). Specifically, the investigation focuses on WTI's response to UTC staff during the course of an informal complaint.

Scope

The scope of the investigation focuses on informal complaints filed with the Consumer Affairs section of the UTC by customers of WTI between December 2006 and April 2007.

Authority

Staff undertakes this investigation under the authority of the Revised Code of Washington (RCW) 80.01.040, which directs the UTC to regulate telecommunications companies in the public interest, and to adopt such rules and regulations as may be necessary to do so. The UTC has adopted such rules in Washington Administrative Code (WAC) 480-120-166, which sets requirements for companies responding to customer complaints. In addition, RCW 80.04.070 makes it clear that the UTC is authorized to conduct such an investigation and RCW 80.04.405 provides for penalties for violations by public service companies and officers, agents, and employees thereof.¹

¹ See referenced laws and rules at Appendix A.

EXECUTIVE SUMMARY

The commission's Business Practices Investigations staff investigated consumer complaints filed against WTI, LLC between December 2006 and April 2007.

Based on the information obtained in this investigation, staff finds that WTI, LLC violated WAC 480-120-166 a total of 76 times in five of the six complaints filed against it². WAC 480-120-166 requires a telecommunications company to report the results of its investigation of service-affecting informal complaints to commission staff within two business days from the date commission staff passes the complaint to the company, within five business days for nonservice-affecting complaints, and within three business days for requests for additional information made on pending informal complaints.

Staff recommends the UTC issue a \$7,600 penalty to WTI, LLC as provided under RCW 80.04.405.

Total recommended penalties: \$7,600

² Complaint details at Appendix B.

BACKGROUND

Company information

This investigation was prompted by WTI's failure to respond timely to consumer complaints filed against it with the UTC.

WTI is a competitively classified telecommunications carrier authorized to provide local and long distance services, as well as debit card and data services, in the state of Washington. According to the Secretary of State's website³, WTI incorporated effective February 1, 2004. It petitioned the UTC for registration as a competitive telecommunications company on July 22, 2005. The petition was filed in the name of WTI, LLC doing business as Marathon Communications. The company's mailing address is 22722 29th Drive Southeast, #120, Bothell, Washington, 98021. Gary Keister, Robert Manning and Bob Baur are listed in the spaces provided on the application for the officers or directors of the company. All three have a title of "Manager".⁴ The registration was granted by the UTC on August 19, 2005, under Docket UT-051136.

On September 30, 2005, in Docket UT-051486, WTI requested removal of its trade name, Marathon Communications, citing the confusion of having multiple trade names and only one showing on its registration certificate from the UTC. The removal of the trade name was allowed to become effective on October 12, 2005.

On May 2, 2006, WTI filed its 2005 annual report. It reported intrastate revenue of \$391,166 and paid \$698 for its 2006 regulatory fees.

³ Copy of Secretary of State registration data search results at Appendix C.

⁴ Copy of registration application at Appendix D.

INVESTIGATION

Staff reviewed six consumer complaints filed against WTI. In five of the six complaints, staff alleged violations of WAC 480-120-166 for WTI's failure to respond, or failure to respond timely, to the complaint. WAC 480-120-166 states, in part:

(6) "Unless another time is specified in this rule or unless commission staff specifies a later date, the company must report the results of its investigation of service-affecting informal complaints to commission staff within two business days from the date commission staff passes the complaint to the company."

(7) "Unless another time is specified in this rule or unless commission staff specifies a later date, the company must report the results of its investigation of nonservice-affecting informal complaints to commission staff within five business days from the date commission staff passes the complaint to the company."

(8) "Unless another time is specified in this rule or unless commission staff specifies a later date, the company must provide complete responses to requests from commission staff for additional information on pending informal complaints within three business days."

WTI was given technical assistance regarding WAC 480-120-166 by Consumer Affairs staff on numerous occasions. Perhaps the most thorough technical assistance possible was provided to Susan Hunich, WTI's Customer Service Manager, on February 6, 2007, by Dennis Shutler, Consumer Program Specialist. In regards to consumer complaint 99365, Mr. Shutler sent Ms. Hunich the following e-mail:

"This consumer's complaint was initially passed to WTI on 1-12-07, and WTI's initial response was due not later than 5:00 PM on 1-22-07. Staff did not receive WTI's initial response until on 1-23-07. WTI failed to notify the commission that WTI's consumer complaint contact had changed. Consequently, I recorded a violation of the commission's rule in Washington Administrative Code (WAC) 480-120-166(7) Commission-referred complaints, against WTI, as follows:

One (1) violation of WAC 480-120-166(7) Commission-referred complaints, against WTI. (WTI) for failing to provide an initial response to staff's inquiry, regarding Mr's account, in a timely manner.

WAC 480-120-166(7) Commission-referred complaints. (7) Unless another time is specified in this rule or unless commission staff specifies a later date, the company must report the results of its investigation of nonservice-affecting informal complaints to commission staff within five business days from the date commission staff passes the complaint to the company.

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In addition, staff requested additional information or documentation regarding this consumer's complaint from WTI on 1-24-07, and WTI's response was due not later than 5:00 PM on 1-29-07. Staff has not yet received the requested information from WTI. Consequently, I have also recorded a violation of the commission's rule in Washington Administrative Code (WAC) 480-120-166(8) Commission-referred complaints, against WTI, as follows:

Six (6) violations of Washington Administrative Code (WAC) 480-120-166(8) Commission-referred complaints, against WTI. (WTI) for failing to respond to commission staff regarding this consumer's complaint in a timely manner.

WAC 480-120-166(8) Commission-referred complaints. (8) Unless another time is specified in this rule or unless commission staff specifies a later date, the company must provide complete responses to requests from commission staff for additional information on pending informal complaints within three business days.

NOTE: Additional violations are being recorded every business day until staff receives WTI's response. Please respond.”

Ms. Hunich did not respond to Mr. Shutler until February 12, 2007, after two more requests for a response from WTI were made by him on February 8 and February 12, 2007.

WTI continued to show its disregard for UTC rules in complaint 99815. The complaint was passed to WTI for its response on February 12, 2007. As of March 31, 2007, WTI did not provide a response to the UTC despite repeated requests for a response made by Mr. Shutler, by both e-mail and voicemail message, and notification that WTI was incurring daily violations for its non-response to the complaint.

In addition, on February 8, 2007, in complaint 99663, Mike Meeks, Consumer Program Specialist, sent an e-mail to Susan J. Hunich, WTI's Customer Service Manager, stating in part:

“On 1-30, I sent an email to WTI about a complaint with long distance service. WAC 480-120-166 (6)(7) establish[es] time limits for responses. Currently, WTI is not in compliance with this rule.”

On February 12, 2007, having received no response from Ms. Hunich, Mr. Meeks sent another e-mail to her stating:

“I opened this complaint with WTI on January 29. I have not received a response to the issues. The original response was due on Friday, February 2. I will be recording violations of WAC 480-120-166 until I receive a response.”

Ms. Hunich provided WTI's complaint response later that same day.

WTI, LLC and Marathon Communications, Inc.

Staff also believes WTI, LLC is aware of its responsibilities in responding to commission-referred complaints in accordance with WAC 480-120-166 through its apparent association with Marathon Communications, Inc. (Marathon Communications), a formerly-registered competitive telecommunications company.

In April 2006, the UTC issued a \$16,300 penalty assessment against Marathon Communications for failing to respond timely to UTC referred complaints. An investigation by Business Practices staff found that Marathon Communications failed to respond timely to consumer complaints 654 times in the year 2005. In a letter dated May 8, 2006, signed by Marcos Melendez, CEO of Marathon Communications, Marathon Communications requested a payment plan for the penalty be granted. On June 26, 2006, the UTC granted the request and established a payment plan for Marathon Communications, allowing it to make monthly payments of at least \$1,358.33 beginning July 31, 2006, with the last payment to be \$1,358.37, and continuing thereafter not to exceed one year.

On September 22, 2006, after staff inquired why payments had not yet been made, Mr. Melendez informed staff that Marathon Communications had ceased operations as a telecommunications company in the state of Washington and had transferred all its customers to another telecommunications company. Mr. Melendez did not specify which company the customers were transferred to, nor did he provide the UTC the 30 days advance notice of cessation of service as required by WAC 480-120-083(2)(a).

Further investigation of WTI's application for registration as a competitive telecommunications company in Washington revealed the following information:

- 1) Marathon Communications and WTI have the same mailing address, including suite number.
- 2) Marathon Communications and WTI have some of the same phone numbers and fax numbers in common.
- 3) Both Gary Keister and Robert Manning's names, in addition to Marcos Melendez's name, were present in the signature block of a letter sent by Marathon Communications to staff regarding the \$16,300 penalty assessment⁵. The letter was a follow-up to earlier discussion staff had with Mr. Melendez and Lisa Rucks, Marathon's Customer Service Manager, about the investigation and the possible amount of the penalty assessment. Mr. Keister and Mr. Manning's names also appear on WTI's registration application as officers or directors of WTI, LLC
- 4) Marathon Communications and WTI had the same Customer Service Manager, Lisa Rucks. Ms. Rucks responded to UTC complaints until Susan Hunich announced on January 23, 2007, that Ms. Rucks was no longer with WTI.

⁵ See Appendix E for a copy of Marathon Communication's March 6, 2006, letter.

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- 5) Prior to Mr. Melendez notifying the UTC that Marathon Communications was no longer in business, his and Ms. Rucks' e-mail addresses changed in late April or early May 2006 from [name]@marathon.net to [name]@wtillc.com, a WTI address. Bob Baur's e-mail address listed on WTI's registration application was bbaur@marathon.net, a Marathon Communications address.
- 6) The customers that filed complaints 99663, 99815 and 100095 all stated they were previous Marathon Communications customers that had been switched to WTI.

CONCLUSIONS

Based on the information obtained in this investigation, staff finds that WTI violated WAC 480-120-166 a total of 76 times between December 2006 and April 2007, by failing to respond to commission-referred consumer complaints in accordance with the rules.

Specifically, WTI failed to respond in accordance with WAC 480-120-166(7) in complaint 99044 (40 violations), WAC 480-120-166(6) in complaint 99663 (seven violations), WAC 480-120-166(7) and WAC 480-120-166(8) in complaint 99365 (two violations and seven violations, respectively), WAC 480-120-166(7) in complaint 99815 (17 violations) and WAC 480-120-166(8) in complaint 100095 (three violations).

Because WTI, LLC and Marathon Communications have the same mailing address, phone numbers, fax numbers and management personnel, staff believes it is reasonable to conclude that WTI was fully aware of its responsibilities to respond to commission-referred consumer complaints within the constraints of WAC 480-120-166 and has chosen to willfully violate the rules. Not only did WTI receive thorough technical assistance by Consumer Affairs staff, it is reasonable to believe that the 2006 penalty assessment against Marathon Communications would also serve WTI as sufficient technical assistance for responding within the constraints of the rules.

Recommendations

Staff recommends the commission issue a \$7,600 penalty to WTI as provided under RCW 80.04.405, for 76 violations of WAC 480-120-166.

Total recommended penalties: \$7,600

APPENDIX A

RCW 80.01.040

General powers and duties of commission.

The utilities and transportation commission shall:

(1) Exercise all the powers and perform all the duties prescribed therefor by this title and by Title [81](#) RCW, or by any other law.

(2) Regulate in the public interest, as provided by the public service laws, the rates, services, facilities, and practices of all persons engaging in the transportation by whatever means of persons or property within this state for compensation, and related activities; including, but not limited to, air transportation companies, auto transportation companies, express companies, freight and freight line companies, motor freight companies, motor transportation agents, private car companies, railway companies, sleeping car companies, steamboat companies, street railway companies, toll bridge companies, storage warehousemen, and wharfingers and warehousemen.

(3) Regulate in the public interest, as provided by the public service laws, the rates, services, facilities, and practices of all persons engaging within this state in the business of supplying any utility service or commodity to the public for compensation, and related activities; including, but not limited to, electrical companies, gas companies, irrigation companies, telecommunications companies, and water companies.

(4) Make such rules and regulations as may be necessary to carry out its other powers and duties.

[1985 c 450 § 10; 1961 c 14 § [80.01.040](#). Prior: (i) 1949 c 117 § 3; Rem. Supp. 1949 § 10964-115-3. (ii) 1945 c 267 § 5; Rem. Supp. 1945 § 10459-5. (iii) 1945 c 267 § 6; Rem. Supp. 1945 § 10459-6. Formerly RCW [43.53.050](#).]

WAC 480-120-166

Commission-referred complaints.

(1) Each company must keep a record of all complaints concerning service or rates for at least two years and, on request, make them readily available for commission review. The records must contain complainant's name and address, date and the nature of the complaint, action taken, and final result.

(2) Each company must have personnel available during regular business days to respond to commission staff.

(3) Applicants, customers, or their authorized representatives, may file with the commission an informal complaint as described in WAC [480-07-910](#) (Informal complaints) or a formal complaint against a company when there are alleged violations of statutes, administrative rules, or tariffs as provided by WAC [480-07-370](#) (Pleadings -- General).

(4) When the commission staff refers an informal complaint to a company, the company must:

(a) Stop any pending action involving the issues raised in the complaint provided any amounts not in dispute are paid when due (e.g., if the complaint involves a disconnect threat or collection action, the disconnect or collection must be stopped);

(b) Thoroughly investigate all issues raised in the complaint and provide a complete report of the results of its investigation to the commission, including, if applicable, information that demonstrates that the company's action was in compliance with commission rules; and

(c) Take corrective action, if warranted, as soon as appropriate under the circumstances.

(5) Commission staff will ask the customer filing the informal complaint whether the customer wishes to speak directly to the company during the course of the complaint, and will relay the customer's preference to the company at the time staff opens the complaint.

(6) Unless another time is specified in this rule or unless commission staff specifies a later date, the company must report the results of its investigation of service-affecting informal complaints to commission staff within two business days from the date commission staff passes the complaint to the company. Service-affecting complaints include, but are not limited to, nonfunctioning or impaired services (i.e., disconnected services or those not functioning properly).

(7) Unless another time is specified in this rule or unless commission staff specifies a later date, the company must report the results of its investigation of nonservice-affecting informal complaints to commission staff within five business days from the date commission staff passes the complaint to the company. Nonservice-affecting complaints include, but are not limited to, billing disputes and rate quotes.

(8) Unless another time is specified in this rule or unless commission staff specifies a later date, the company must provide complete responses to requests from commission staff for additional information on pending informal complaints within three business days.

(9) The company must keep commission staff informed when relevant changes occur in what has been previously communicated to the commission and when there is final resolution of the informal complaint.

(10) An informal complaint opened with the company by commission staff may not be considered closed until commission staff informs the company that the complaint is closed.

[Statutory Authority: RCW [80.01.040](#) and [80.04.160](#). 05-03-031 (Docket No. UT 040015, General Order No. R-516), § 480-120-166, filed 1/10/05, effective 2/10/05; 03-24-028 (General Order R-510, Docket No. A-010648), § 480-120-166, filed 11/24/03, effective 1/1/04; 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-166, filed 12/12/02, effective 7/1/03.]

RCW 80.04.070

Inspection of books, papers, and documents.

The commission and each commissioner, or any person employed by the commission, shall have the right, at any and all times, to inspect the accounts, books, papers and documents of any public service company, and the commission, or any commissioner, may examine under oath any officer, agent or employee of such public service company in relation thereto, and with reference to the affairs of such company: PROVIDED, That any person other than a commissioner who shall make any such demand shall produce his authority from the commission to make such inspection.

[1961 c 14 § [80.04.070](#). Prior: 1911 c 117 § 77; RRS § 10415.]

RCW 80.04.405

Additional penalties — Violations by public service companies and officers, agents, and employees thereof.

In addition to all other penalties provided by law every public service company subject to the provisions of this title and every officer, agent or employee of any such public service company who violates or who procures, aids or abets in the violation of any provision of this title or any order, rule, regulation or decision of the commission shall incur a penalty of one hundred dollars for every such violation. Each and every such violation shall be a separate and distinct offense and in case of a continuing violation every day's continuance shall be and be deemed to be a separate and distinct violation. Every act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the penalty herein provided for.

The penalty herein provided for shall become due and payable when the person incurring the same receives a notice in writing from the commission describing such violation with reasonable particularity and advising such person that the penalty is due. The commission may, upon written application therefor, received within fifteen days, remit or mitigate any penalty provided for in this section or discontinue any prosecution to recover the same upon such terms as it in its discretion shall deem proper and shall have authority to ascertain the

facts upon all such applications in such manner and under such regulations as it may deem proper. If the amount of such penalty is not paid to the commission within fifteen days after receipt of notice imposing the same or application for remission or mitigation has not been made within fifteen days after violator has received notice of the disposition of such application the attorney general shall bring an action in the name of the state of Washington in the superior court of Thurston county or of some other county in which such violator may do business, to recover such penalty. In all such actions the procedure and rules of evidence shall be the same as an ordinary civil action except as otherwise herein provided. All penalties recovered under this title shall be paid into the state treasury and credited to the public service revolving fund.

[1963 c 59 § 2.]

WAC 480-120-083

Cessation of telecommunications services.

(1) This rule applies to any telecommunications company that ceases the provision of any telecommunications service in all or any portion of the state (exiting telecommunications company). This rule does not apply to:

(a) Services offered by tariff that are subject to the statutory notice requirements of RCW [80.36.110](#) (Tariff Changes – Statutory Notice – Exception);

(b) Discontinuance of service to an individual customer in compliance with WAC [480-120-172](#) (Discontinuing service -- Company initiated);

(c) Cessation of a service when the provider replaces the terminated service with comparable service without interruption. For example, the notice requirements of this rule do not apply when a local exchange carrier (LEC) providing Centrex-type service with one group of features replaces that service, without interruption, with a version of Centrex-type service that has a different group of features; and

(d) A service being discontinued that has no subscribers.

Changes in customers' service providers for local exchange and intrastate toll services when there is a cessation of service are also subject to WAC [480-120-147](#) (Changes in local exchange and intrastate toll services).

(2) No telecommunications company may cease the provision of any telecommunications service in all or any portion of the state unless it first provides written notice to the following persons at least 30 days in advance of cessation of service:

(a) The commission;

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(b) The state 911 program, in the instance of local exchange service, private branch exchange service (PBX), Centrex-type service, or private line service used in the provision of emergency services related to the state 911 program;

(c) Each of its customers, including customers that are telecommunications companies;

(d) Incumbent local exchange carriers (ILECs) providing the exiting telecommunications company with unbundled network elements (UNEs) pursuant to the Telecommunications Act of 1996, 47 U.S.C. Section 151 *et seq.*, if UNEs or combinations of UNEs are part of a telecommunications service provided to some or all of the exiting telecommunications company's customers;

(e) Each telecommunications company providing the exiting telecommunications company with resold telecommunications service, if resold service is part of a telecommunications service provided to some or all of the exiting telecommunications company's customers;

(f) The national number administrator authorizing the release of all assigned telephone numbers to other telecommunications companies and releasing all unassigned telephone numbers to the number administrator.

(3) The notice to the commission and the state 911 program required in subsections (2)(a) and (b) must include:

(a) The name of the exiting telecommunications company;

(b) For each category of service, the date each telecommunications service will cease; and

(c) The number of customers for each telecommunications service and their location, described by exchange or by city and county for each telecommunications service being ceased.

(4) The notice to customers required in subsection (2)(c) must include:

(a) The date telecommunications service will cease;

(b) Information on how to contact the exiting telecommunications company by telephone in order to obtain information needed to establish service with another provider;

(c) An explanation of how customers may receive a refund on any unused service. The exiting telecommunications company must provide information to consumers via its customer service number outlining the procedure for obtaining refunds and continue to provide this information for sixty days after the date of cessation of service.

(d) A second notice provided by one of the two options listed below:

Staff Investigation – WTI, LLC

(i) Between ten and thirty days before cessation of service, the exiting telecommunications company must complete one direct call advising every customer of the cessation of service, including the date of cessation of service and a number to call for more information, if necessary. A direct call means a call in which the company leaves a recorded voice message for or speaks directly to the responsible party or its agent on the billing account; or

(ii) At least ten days before cessation of service, the exiting telecommunications company must provide a second written notice of cessation of service including the date of cessation of service and a number to call for more information, if necessary;

(e) A company may seek the commission's assistance in drafting the customer notices.

(5) The notice to ILECs required in subsection (2)(d) must include:

(a) The date telecommunications service will cease;

(b) Identification of the UNE components in relationship to the service information provided to the customer when such information differs from the ILEC's identification information as billed to the exiting telecommunications company. For example, if the ILEC identifies a UNE loop with a circuit identification number, the exiting telecommunications company must provide the ILEC with the customer telephone number assigned to the ILEC's UNE loop circuit identification number; and

(c) The telephone contact information to enable the ILEC or new provider to obtain UNE service and circuit identification information needed to establish service for a customer who will no longer receive service from the exiting telecommunications company.

(6) The notice to suppliers required in subsection (2)(e) must include:

(a) The date telecommunications service will cease;

(b) Identification of the resold service element components in relationship to the service information provided to the customer, when such information differs from the supplier's identification information as billed to the exiting telecommunications company; and

(c) Telephone contact information to enable the regulated supplier or new provider to obtain underlying service and circuit identification information needed to establish comparable replacement service for a customer who will no longer receive service from the exiting telecommunications company.

(7) The notice to the national number administrator required in subsection (2)(f) must include:

(a) Identification of all working telephone numbers assigned to customers;

(b) Identification of all unassigned or administrative numbers available for reassignment to other providers and the date such unassigned telephone numbers will be available for reassignment; and

(c) Authorization of the release of each individual assigned customer's telephone number(s) to subsequent providers selected by the customer.

(8) ILECs and telecommunications companies that are suppliers under subsection (6) must provide the information in the required notice(s) (if received) to the subsequent provider upon a request authorized by the customer.

(9) A telecommunications company ceasing a local exchange service, a PBX service, a Centrex-type service, or a private line service used in the provision of emergency services related to the state 911 program must inform the commission and the state 911 program within twenty-four hours of the cessation of telecommunications service of the number of customers and their location, listed by exchange or by city and county, that remained as customers for the telecommunications service when service ceased.

[Statutory Authority: RCW [80.01.040](#), [80.04.160](#), [81.04.160](#), and [34.05.353](#). 03-22-046 (Docket No. A-030832, General Order No. R-509), § 480-120-083, filed 10/29/03, effective 11/29/03. Statutory Authority: RCW [80.04.160](#) and [80.01.040](#). 01-24-114 (General Order No. R-494, Docket No. UT-010558), § 480-120-083, filed 12/5/01, effective 1/5/02.]

APPENDIX B

Complaint 99044

The consumer complaint alleging slamming was passed to WTI on December 8, 2006. In accordance with WAC 480-120-166(7), WTI's response was due on December 13, 2006. It was received on December 12, 2006. The complaint was closed on December 15, 2006, however, after an internal review of closed complaints, it was determined that WTI failed to provide information requested of it when the complaint was passed. Specifically, as the consumer was alleging his service was switched without his authorization, at the time the complaint was passed, staff had requested "a recording of the authorization and or a letter of agency". On January 26, 2007, staff reopened the complaint and requested that WTI provide the letter of agency or third-party verification recording for the switch. WTI's response was due on February 2, 2007, in accordance with WAC 480-120-166(7).

After repeated requests by staff for the information, Ms. Hunich responded on March 7, 2007, stating:

"It has been very difficult getting all of the information regarding this customer complaint. People involved have been gone and a file has been missing. I will write up the response this evening and send it off to you in the morning. Hopefully my email won't have a problem."

WTI has not provide any additional information for this complaint investigation nor responded to staff's additional request for information. On March 23, 2007, staff alleged a violation of WAC 480-120-147 for the unauthorized switch of the customer's service. This investigation revealed a total of 40 violations of WAC 480-120-166(7) for non-response to the complaint through March 31, 2007.

Complaint 99663

The consumer complaint alleging service problems was passed to WTI on January 30, 2007. In accordance with WAC 480-120-166(6), WTI's response was due on February 1, 2007. It was not received until February 12, 2007. This investigation revealed a total of seven violations of WAC 480-120-166(6).

Complaint 99365

The consumer complaint alleging slamming was passed to WTI on January 12, 2007. In accordance with WAC 480-120-166(7), WTI's response was due on January 19, 2007. On January 23, 2007 at 10:26a.m., Susan Hunich responded to staff stating:

"I would like to introduce myself to you. My name is Susan J. Hunich and I am now the Customer Service Manager with WTI. Lisa Rucks is no longer with the company and this email is your notice to forward all future complaints directly to me for resolution. I will forward in writing the change in responsibly [sic] to the Washington Utilities and Transmission Commission. I am in receipt of complaint 99365 regarding William & Susan

Hageman. I am having our records for the numbers in dispute researched and will respond to the complaint by 4:00 PM today January 23, 2007.”

The company’s response to the complaint was received that same day, January 23, at 5:09p.m., two days after it was due. However, at 6:02p.m., staff received another e-mail from Ms. Hunich requesting she be allowed to add a couple sentences for clarification and resubmit the response. Ms. Hunich said she would forward the replacement response to staff “in the morning”.

On January 29, 2007, staff sent Ms. Hunich an e-mail asking for an update since a replacement response was not received on January 24 as promised. Ms. Hunich responded on January 31, 2007, that WTI had experienced a system outage and was trying to ease the frustration to the customers. She stated she would get the information finished that same day and get it to staff. On February 6, 2007, staff sent Ms. Hunich notification via e-mail that violations of WAC 480-120-166(8) were being alleged daily for the company’s failure to provide the information requested on January 29, 2007. Ms. Hunich did not respond until after close of business on February 12, 2007, after two additional requests for response were made by staff, on February 8 and 12, 2007.

On January 24, 2007, staff alleged four violations of WAC 480-120-147(1) for the unauthorized switch of the customer’s service. The customer had two telephone numbers and both intraLATA and interLATA long distance services on both lines were switched without authorization. In addition, this investigation revealed two violations of WAC 480-120-166(7) and a total of seven violations of WAC 480-120-166(8).

Complaint 99815

The consumer complaint alleging unauthorized billing was passed to WTI on February 12, 2007. WTI’s response was due February 20, 2007. On February 21 and 27, and March 6, 8, 12 and 13, additional requests for a response to the complaint were made via e-mail to WTI. On March 14, 2007, staff left a voicemail message for Ms. Hunich requesting a response be provided. The complaint was closed that same day. WTI never responded to this commission-referred consumer complaint. This investigation revealed a total of 17 violations of WAC 480-120-166(7). In addition, staff alleged 3 violations of WAC 480-120-161(4) for WTI’s billing and charging for a service the customer did not request or authorize.

Complaint 100095

The consumer complaint alleging double billing was passed to WTI on March 14, 2007. WTI’s response was due March 21, 2007, and was received on March 15, 2007. However, on March 23, 2007, staff requested additional information from WTI. The company’s response was due March 28, 2007. Despite two more additional requests from staff to the company to provide the information, made via e-mail to Ms. Hunich on March 27 and 29, 2007, WTI, has not provided the requested information as of March 31, 2007. This investigation revealed three violations of WAC 480-120-166(8) through March 31, 2007.

APPENDIX C



CORPORATIONS

Corporations Menu

» Print Page

Enter Keywords

Search

Corporations Division - Registration Data Search

WTI, L.L.C.

UBI Number	602360165
Category	Limited Liability Regular
Profit/Nonprofit	Profit
Active/Inactive	Active
State of Incorporation	WA
Date of Incorporation	02/01/2004
License Expiration Date	02/29/2008

Registered Agent Information

Agent Name	WESCOM CAPITAL INC
Address	22722 29TH DR SE # 120
City	BOTHELL
State	WA
ZIP	98021

Special Address Information

Address

City

State

Zip

[« Return to Search List](#)

APPENDIX D



1300 South Evergreen Park Drive SW
PO Box 47250
Olympia, WA 98504-7250

UT-051136

**REGISTRATION, COMPETITIVE CLASSIFICATION,
AND INITIAL PRICE LIST OF
TELECOMMUNICATIONS COMPANIES**

All telecommunications companies must register with the Washington Utilities and Transportation Commission (WUTC) prior to beginning operations in the state of Washington. Refer to the following: RCW 80.36, WAC 480-121, 480-80, and 480-120.

TOLL FREE 1-888-606-9566 / FAX 360-586-1150
TTY 360-586-8203 or 1-800-416-5289
Website: www.wutc.wa.gov

The WUTC has a policy of providing equal access to its services. To request this document in alternate formats, please call 360-664-1133.

- ❖ Complete the application and initial price list forms. You may submit these forms to records@wutc.wa.gov as an electronic attachment.
- ❖ WUTC will issue a registration certificate with an effective date 30 days from the date the complete application is received and approved.
- ❖ When a filing has been submitted electronically all subsequent filings must also be submitted electronically.

Telecommunications Company Information

Name: WTI, LLC
Company Mailing Address: 22722 29th Dr SE #120
City/State/Zip: Bothell, WA 98021

d/b/a: Marathon Communications

Questions regarding this application should be directed to:

Name: Bob Baur
Phone Number: 425-949-0055 Fax Number: 425-415-8370
Mailing Address: 22722 29th Dr. SE #120
City/State/Zip: Bothell, WA 98021

E-Mail: bbaur@marathon.net

Registered Agent (A Washington Agent is required if the company is located outside Washington State):

Name:
Mailing Address:
City/State/Zip:

Name, address and title of each officer or director (attach separate documentation if additional space is needed) :

Name	Address	Title
Gary Keister	PO Box 1929 Port Townsend, WA 98368	Manager
Robert Manning	22722 29 th Dr. SE #120 Bothell, WA 98021	Manager
Bob Baur	22722 29 th Dr. SE #120 Bothell, WA 98021	Manager

Include the following:

- Current Balance Sheet Price List Latest Annual Report, if any

Competitive Classification

Check box if applicant is subject to effective competition and requests waiver of the regulatory requirements set forth in WAC 480-121-063 (1).

APPENDIX E

March 6, 2006

Washington Utilities and Transportation Commission
1300 S Evergreen Park Dr SW
PO Box 47250
Olympia WA 98504-7250
Attn: Sheri Hoyt

Dear Ms. Hoyt:

On behalf of Marathon Communications, please accept our apologies for the inconvenience that we have caused you and your staff. We appreciate the time that Commission staff spent recently with representatives of our company reviewing our regulatory compliance policies and helping us arrive at an agreement on penalty assessments that satisfies both the Commission and Marathon.

Marathon proposes that a penalty be imposed equal to 1% of Marathon's total 2005 revenue, a fine of \$6,500.00, in response to the violations detailed in the Investigative Report provided by Commission staff. The imposition of penalties in excess of this amount would, we feel, represent a serious financial burden to Marathon and jeopardize our ability to continue to serve our customers.

Marathon additionally requests the Commission allow the penalty to be paid over the course of three (3) months in monthly payments of \$2,166.66 each, to begin in April, 2006.

Sincerely,

Marcos Melendez
Robert Manning
Gary Keister