

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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

PENALTY ASSESSMENT: UT-090441
PENALTY AMOUNT: \$18,000

NORTHSTAR TELECOM, INC.
445 HAMILTON AVENUE, SUITE 408
WHITE PLAINS, NY 10601

The Washington Utilities and Transportation Commission (Commission) believes that you have committed violations of Commission rules; specifically Washington Administrative Code (WAC) 480-120-166(6), which 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; WAC 480-120-166(7) which requires a telecommunications company to 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; and WAC 480-120-166(8) which requires telecommunications companies, unless another time is specified in the rule or unless Commission staff specifies a later date, to provide complete responses to requests from Commission staff for additional information on pending informal complaints within three business days. Note that each day the company failed to respond is a separate and distinct violation.

In accordance with Revised Code of Washington (RCW) 80.04.405, the Commission hereby notifies you that it has assessed penalties against you in the amount of \$18,000.

The basis for the penalty assessment is as follows:

- In complaint 102704, staff recorded two violations of WAC 480-120-166(7).
- In complaint 103151, staff recorded five violations of WAC 480-120-166(7).
- In complaint 102975, staff recorded 11 violations of WAC 480-120-166(7), and eight violations of WAC 480-120-166(8).
- In complaint 103880, staff recorded 27 violations of WAC 480-120-166(8).
- In complaint 104277, staff recorded 70 violations of WAC 480-120-166(8).
- In complaint 104560, staff recorded 15 violations of WAC 480-120-166(7).
- In complaint 105034, staff recorded 32 violations of WAC 480-120-166(7) and six violations of WAC 480-120-166(8).
- In complaint 105209, staff recorded four violations of WAC 480-120-166(6).

This information, if proved at a hearing and not rebutted or explained, is sufficient to support the penalty assessment.

Your penalty is due and payable now. If you believe the violations did not occur, you may request a hearing to contest the penalty assessment. If there is a reason for the violations that you think should excuse you from the penalty, you may ask for mitigation (reduction) of this penalty. See RCW 81.04.405.

You have the right to present your request for review or mitigation at a hearing, but you are not required to do so. If you do, the Commission will review the evidence supporting your request in a hearing before an administrative law judge. The administrative law judge will consider your plea and 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. The Commission may then sue you to collect the penalty.

DATED at Olympia, Washington, and effective April 20, 2009.



ANN E. RENDAHL
Administrative Law Judge

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT UT-090441

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 violation occurred and enclose \$18,000 in payment of the penalty.
- 2. **Request for a hearing.** I believe that the alleged violation did not occur, based on the following information, and request a hearing for a decision by an administrative law judge:
- 3. **Application for mitigation.** I admit the violation, but I believe that the penalty should be reduced for the reason(s) set out below:

- a) I ask for a hearing for a decision by an administrative law judge
- OR b) I waive a hearing and ask for an administrative decision on the information I present 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: _____ [month/day/year], at _____ [city, state]

Name of Respondent (company) – please print

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.”