

AUG 03 2012

SERVICE DATE

JUL 31 2012

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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

RECEIVED

AUG 09 2012

WASH. UT. & TP. COMM

PENALTY ASSESSMENT: UT-120991
PENALTY AMOUNT: \$1,900

New Horizons Communications Corps
420 Bedford St, Suite 250
Lexington, MA 02420

According to the Commission's records, you have committed a violation of Commission rule Washington Administrative Code (WAC) 480-120-382, which requires competitively classified telecommunications companies to file annual reports with the Commission by May 1 each year and pay regulatory fees annually on that date. You are classified as a telecommunication company. Commission records show that you did not file an annual report or pay annual regulatory fees by May 1, 2012.

Revised Code of Washington (RCW) 81.04.405 authorizes the Commission to assess penalties of \$100 for violations of Commission rules. Each and every such violation shall be a separate and distinct offense and, in the case of a continuing violation, every day's continuance shall be and be deemed to be a separate and distinct violation. The Commission interprets noncompliance with WAC 480-120-382 as continuing violations, giving rise to penalties of \$100 for each day a company fails to make each requisite filing after the date on which it was due.

As a result, the Commission hereby notifies you that it has assessed penalties against you in the amount \$1,900 on the following basis:

On February 29, 2012, the Commission mailed 2011 Annual Report forms and 2012 Regulatory Fee packets to all telecommunication companies registered in Washington state. A letter from the commission's Executive Secretary David W. Danner, instructed these companies to file annual reports and pay regulatory fees by May 1, 2012. The letter stated failure to file the annual report by May 1 would result in a penalty and possible cancellation of the company's permit to operate in Washington. Those companies wishing to request an extension to file the annual report were asked to do so prior to April 24, providing a reason for the requested extension. You did not request an extension.

New Horizons Communications Corps. filed its annual report on May 26, 2012, which is 19 business days past the deadline of May 1. The penalty was mitigated from \$100 per day to \$25 per day for a total of \$1,900.

2012 AUG 9 PM 2:25
RECEIVED
PROPERTY MANAGEMENT

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. If there is a reason for the violation 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 further 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 an informal hearing, called a Brief Adjudicative Proceeding, 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 will then sue you to collect the penalty.

DATED at Olympia, Washington, and effective July 31, 2012.



GREGORY J. KOPTA
Administrative Law Judge

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
PENALTY ASSESSMENT UT-120991

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 \$~~1,900~~^{\$475⁰⁰} in payment of the penalty (Change is per notification)
Please see cover letter
- Submitted my payment of \$1,900 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, based on the following information, and request a hearing, which is a process that allows an affected person to present argument to an administrative law judge 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 reason(s) set out below. Enclosed is a payment of \$475. This represents 19 Business Days @ \$25⁰⁰ per day as indicated in the penalty notification. New Horizons also requests a review of arrival. The document was prepared in April, and New Horizons believes it arrives will before the indicated date.
Please see cover letter.
- a) I ask for a hearing for a decision by an administrative law judge based on the information presented above.
- OR b) I waive a hearing and ask for an administrative decision on the information I present directly 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: Aug 5, 2012 [month/day/year], at Lexington MA [city, state]

Ronald A. Sheehan
Name of Respondent (company) – please print

Ronald A. Sheehan
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.”



**NEW HORIZON
COMMUNICATIONS**

August 5, 2012

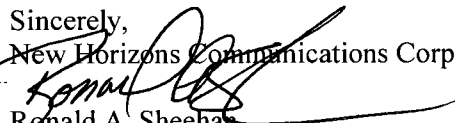
Washington Utilities and Transportation Commission
PO Box 47250
Olympia WA 98504-7250

Re: New Horizons Communications Corp.,
UBI Number: 602658670
Annual Report Penalty Assessment

Enclosed for filing, please find the Washington Utilities and Transportation Commission's (the "Commission") Penalty Assessment UT-120991, on behalf of New Horizons Communications Corp (the "Company"). Also enclosed please find a check in the amount of \$475.00 to cover what penalties are due.

The Company respectfully requests an adjustment to the total amount due based on the Commission's correspondence. For your convenience, I have enclosed a copy of that correspondence. The correspondence states in paragraph 5 that the \$100 per day penalty has been mitigated to \$25.00 per business day and therefore using the Commission's adjusted fee of \$25.00 per day at the Commission's calculated nineteen (19) business days, the Company is enclosing the above mentioned check at the adjusted amount. However, although the Company has paid in full at the adjusted rate, the Company also respectfully requests a review of the amount of days it took for the Commission to receive this report. The correspondence specifies that the report was filed nineteen (19) business days late and was received on May 26, 2012. New Horizons is surprised that the arrival date was May 26, 2012, the document was prepped on April 29, 2012 and sent for an officers signature and then to be mailed and should not have taken almost a full month for the Commission to receive. I do not believe the Company received a date stamp cover letter back from the Commission as requested and therefore it is hard to track the actual date of arrival.

Should any questions arise or any additional information is required, please contact me at the below contact information. Please acknowledge receipt of this filing by date-stamping the extra copy of the explanation letter and returning it to me in the self-addressed, stamped envelope provided for this purpose.

Sincerely,
New Horizons Communications Corp

Ronald A. Sheehan
Tariff and Regulatory Specialist
420 Bedford Street
Suite 250
Lexington, MA 02420
Phone: 1-339-222-7518
Fax: 1-781-207-0428
Email: rsheehan@nhcgrp.com

RECEIVED

AUG 03 2012

WASH. UT. & TP. COMM

STATE OF WASH.
UTIL. AND TRANS.
COMMISSION

2012 AUG -9 PM 2:26

RECEIVED
PROGRAMS MANAGEMENT