

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT UT-130806

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 \$1,800 in payment of the penalty

[ ] Submitted my payment of \$1,800 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.

Please See Attached Letter

[ ] a) I ask for a hearing for a decision by an administrative law judge based on the information presented above.

OR [X] b) I waive a hearing and ask for an administrative decision on the information I presented 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: 8/21/13 [month/day/year], at Seattle, WA [city, state]

Joseph Murphy  
Name of Respondent (company) - please print

[Signature]  
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."

2013 AUG 23 AM 8:03



Eltopia Communications, LLC  
PO Box 240  
Eltopia, WA 99330

Mr. Steven King  
Executive Director  
Washington Utilities and Transportation Commission  
1300 S. Evergreen Park Drive, SW  
Olympia, WA 98504-7250

Re: Penalty Assessment - UT-13086

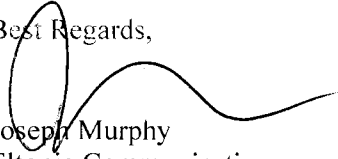
Dear Mr. King:

Eltopia Communications, LLC comes before the Commission with a request for mitigation on the penalty assessment of \$1,800 issued by the Commission in UT-13086 on July 31, 2013.

The company does not disagree with the fact that the 2012 annual report filing was filed beyond the May 1, 2013 required date. However the company believes that certain unforeseen actions took place within the company during the first part of 2013 that caused the filings to be late.

Specifically, there were some changes in management structure as well as changes to key employees of the company causing late filings, one of which was the Washington Annual report. Internal issues have been revised and the company feels confident that these types of issues will not happen again. The company believes that a fine of \$900 would be appropriate based upon all of the circumstances that caused this late filing to happen.

Best Regards,

  
Joseph Murphy  
Eltopia Communications  
Legal Counsel and Business Development  
Mobile - 509-981-3024  
Email - JMurphy@Eltopia.com

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UT-13086  
MURPHY