

BIG RIVER

24 S. Minnesota Ave. P.O. Box 1659 Cape Girardeau, MO 63702-1659 (573) 651-3373 (800) 455-1608

June 11, 2014

Washington Utilities and Transportation Commission
Post Office Box 47250
Olympia, Washington 98504-7250

RE: Big River Telephone Penalty Assessment: UT-140871

To Whom It May Concern:

I am writing in regards to the \$600 penalty assessed to Big River Telephone for the late filing of our annual report. We request an application for the mitigation of these penalties. We actually filed our annual report on the due date of May 1st. On May 2nd we received a notice that we were missing the income statement and that we inadvertently marked the regulatory fee calculation sheet as "Confidential". We immediately made the necessary corrections and resubmitted the report the same day, May 2nd. We received a second notice of incompleteness on May 6th because we didn't provide a redacted version of the income statement. We submitted the redacted income statement on May 9th.

We currently have no revenues in Washington. We registered with the state in anticipation of providing services, but our opportunity did not materialize. Nevertheless we are diligent in our efforts to adhere to state laws and regulations. Unfortunately our unfamiliarity with the Washington annual report process, coupled with an administrative oversight caused the aforementioned troubles with our 2013 annual report. We ask that the \$600 penalty be waived as a one-time consideration. It is clear that the actual report was filed on the May 1st deadline. With no revenues we had no fee to submit so our report was a zero filing. While we did have to revise two portions of the report it was not due to any misstatements or incorrect figures, but rather two formalities, therefore we don't think it is reasonable to assess \$600 in penalties. Because of this we respectfully ask that you please remove this penalty. You may contact me regarding this matter at (573) 388-3720 or jcampbell@bigrivertelephone.com.

Regards,



Joshua K. Campbell
Director of Financial Operations

2014 JUN 16 PM 1:44
COMMUNICATIONS
MANAGEMENT

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT UT-140871

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.

2014 JUN 16 PM 1:44

[] 1. Payment of penalty. I admit that the violations occurred. I have:

[] Enclosed \$ _____ in payment of the penalty

[] Submitted my payment of \$ _____ 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, for the reasons I describe below, and I request a hearing based on those reasons 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 reasons set out below:

Please see attached letter.

[] a) I ask for a hearing to present evidence on the information I provide above to an administrative law judge for a decision

OR b) I ask for a Commission decision based solely on the information I provide 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: 6/11/14 [month/day/year], at Cape Girardeau, MO [city, state]

Big River Telephone Company, LLC
Name of Respondent (company) – please print

John L. Campbell
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.”

SERVICE DATE

MAY 30 2014

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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

*Received on
6/6/14
by Big River Telephone
JC*

PENALTY ASSESSMENT: UT-140871
PENALTY AMOUNT: \$600

Big River Telephone Company, LLC
24 S. Minnesota Ave.
Cape Girardeau, MO 63703

According to Washington Utilities and Transportation Commission (Commission) records, you have violated Washington Administrative Code (WAC) 480-120-382, which requires telecommunications companies to file their annual reports and pay regulatory fees each year by May 1. You did not file an annual report or pay regulatory fees by May 1, 2014.

Revised Code of Washington (RCW) 80.04.080 authorizes the Commission to assess penalties of \$100 for violations of Commission rules. Each violation is a separate and distinct offense and, in the case of a continuing violation, every day's continuance is a separate and distinct violation. The Commission interprets noncompliance with WAC 480-120-382 beyond May 1 as a continuing violation, and assesses penalties of \$100 for each day a company fails to file its report or pay its regulatory fees after that date.

As a result, the Commission has assessed penalties against you in the amount of \$600 on the following basis:

On February 28, 2014, the Commission mailed the 2013 annual report forms and the 2014 regulatory fee packets to all telecommunications companies registered in Washington. The instructions page for the annual report form instructed these companies to file annual reports and pay regulatory fees by May 1, 2014. The instructions page also stated that failure to file the annual report by May 1 would result in penalties. The deadline for requesting an extension to file your annual report was April 17. You did not request an extension.

On May 9, 2014, Big River Telephone Company, LLC filed its 2013 annual report and paid its 2014 regulatory fee. May 9 is 6 business days from May 1, resulting in a total penalty of \$600.

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. The Commission will grant that request only if material issues of law or fact require consideration of evidence and resolution in a hearing. A request for a hearing must include a written statement of the reasons supporting that request.

Failure to provide such a statement will result in denial of the request. If there is a reason for the violation that you think should excuse or reduce the penalty, you may ask for mitigation (reduction) of this penalty through evidence presented at a hearing or in writing. A request for mitigation must include a written statement of the reasons supporting that request. Failure to provide such a statement will result in denial of the request. See RCW80.04.405.

If you properly present your request for a hearing and the Commission grants that request, the Commission will review the evidence supporting your dispute of the violation or application for mitigation in a Brief Adjudicative Proceeding, before an administrative law judge. The administrative law judge will consider the evidence and will 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, which may file suit in state court to collect the penalty. The Commission may also initiate proceedings under WAC 480-121-060 to revoke your authority to provide telecommunications services in Washington.

DATED at Olympia, Washington, and effective May 30, 2014.



GREGORY J. KOPTA
Administrative Law Judge