

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT UT-140912

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 18 AM 9:20

[] 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:

[X] 3. Application for mitigation. I admit the violations, but I believe that the penalty should be reduced for the reasons set out below:

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

OR [X] 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: 6/10/2014 [month/day/year], at Salem OR [city, state]

Radix Networks Name of Respondent (company) - please print

Erin Warner 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."

June 10, 2014

WUTC,

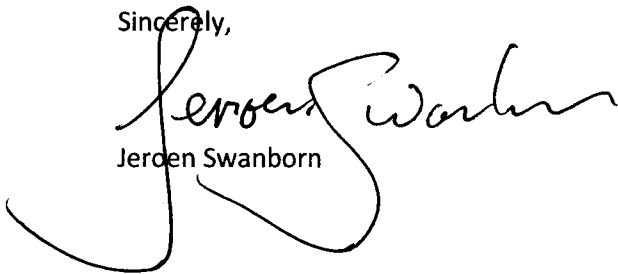
We hereby contest the penalty assessed for submission of the annual report to the WUTC. As a small company of two principals and no employees, we do not have a full-time regulatory department. We recognize the importance of regulatory agencies and have done our best to comply with regulations and requests for information. Since we have been certified by the WUTC to provide service in the State of Washington, we have always submitted our Annual Report in a timely manner.

I contacted the Commission via telephone on January 23, 2014 at 1:40 pm and spoke with Virgil Santos (360.664.1280). I asked Mr. Santos where we could find the Annual Report template for 2013 because we wished to submit our report to the State. Mr. Santos stated the report was not finalized. I courteously asked Mr. Santos to inform us via email or telephone once the report template became available and he readily agreed to do so. We did not receive a notification from the WUTC as requested. A copy of our call log is attached to confirm our call.

On April 29th 2014 we submitted our report to the WUTC via the WUTC website. A confirmation email was received and is attached. We complied with the WUTC regulation to submit our Annual Report no later than May 1st. We received an email from Ms. Amy Andrews late Friday afternoon May 2nd requesting altered copies of previously submitted documentation. In our attempt to comply with WUTC regulations we responded to Ms. Williams in a timely manner and submitted the requested information via the WUTC website within 1.5 business days (confirmation email is attached). To ensure Ms. Williams was informed of our submission, we sent a copy of the requested information directly to her email address.

Considering our diligence and full cooperation with WUTC requests for filing annual reports in a timely manner we kindly ask you to rescind the assessed penalty.

Sincerely,


Jerden Swanborn

2014 JUN 18 AM 9:21
OFFICE OF THE
ATTORNEY GENERAL
COMMUNICATIONS SECTION

Voicemail
Call Monitor

Phone Features
Follow Me
Feature Codes

Settings

Logout

Call Monitor for Jeroen (201)

 duration

Results 181 - 195 of 10268

select: all none

	Date▼	Time	Caller ID	Source	Destination	Context	Duration	Monitor
<input type="checkbox"/>	2014-01-27	13:58:06	"PRESTIGE PAYMEN" <5032272250>	5032272250	1	ext-group	6 sec	
<input type="checkbox"/>	2014-01-24	15:49:32	"SARA SWANBORN " <5038817175>	5038817175	201	from-did-direct	237 sec	
<input type="checkbox"/>	2014-01-24	13:44:23	"INTEGRA" <5033609606>	5033609606	201	from-did-direct	1171 sec	
<input type="checkbox"/>	2014-01-24	11:39:19	"TOLL FREE CALL" <8003385094>	8003385094	1	ext-group	18 sec	
<input type="checkbox"/>	2014-01-24	11:33:35	"CENTURYLINK" <5032690094>	5032690094	201	from-did-direct	67 sec	
<input type="checkbox"/>	2014-01-24	11:32:57	"CENTURYLINK" <5032690094>	5032690094	201	from-did-direct	37 sec	
<input type="checkbox"/>	2014-01-24	09:13:23	5036069120	5036069120	4804815900	from-internal	47 sec	
<input type="checkbox"/>	2014-01-23	13:42:59	"Anonymous"	anonymous	201	from-did-direct	65 sec	
<input type="checkbox"/>	2014-01-23	13:40:16	5036069120	5036069120	3606641280	from-internal	39 sec	
<input type="checkbox"/>	2014-01-23	13:31:15	"COEFFICIENT" <5036069108>	5036069108	201	from-did-direct	8 sec	
<input type="checkbox"/>	2014-01-23	13:25:14	"COEFFICIENT" <5036069108>	5036069108	201	from-did-direct	13 sec	
<input type="checkbox"/>	2014-01-23	12:35:35	"PAUL HIRT " <5039999489>	5039999489	1	ext-group	461 sec	
<input type="checkbox"/>	2014-01-23	11:39:01	"TOLL FREE CALL" <8003385094>	8003385094	1	ext-group	16 sec	
<input type="checkbox"/>	2014-01-23	11:03:10	"Anonymous" <5202903741>	5202903741	1	ext-group	16 sec	
<input type="checkbox"/>	2014-01-23	10:52:14	"INTEGRA TELECOM" <5034538249>	5034538249	1	ext-group	291 sec	

First < 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 > Last

Jeroen Swanborn

From: Records Service Center <Sharepointadmins@utc.wa.gov>
Sent: Tuesday, April 29, 2014 6:30 PM
To: regulatory@radixnetworks.com
Subject: UTC E-Filing submission received, confirmation ID 498

Your e-file submission has been received by the Washington Utilities and Transportation Commission. Please save this e-mail, and use the confirmation ID when contacting the Commission.

* Please do not reply to this message. This is an automated message, and the originating account cannot receive e-mails.

E-File submission details:

E-File ID: 498
Docket No:
Company: Radix Networks LLC
Filing description: Annual Report and Fee Statement

Documents filed:

Filename: 170 Telecommunications Annual Report Form 2013.xls
Description: Form 170
Confidentiality: None

Documents filed:

Filename: WUTC2013 Balance Sheet.pdf
Description: Balance Sheet
Confidentiality: Confidential

Documents filed:

Filename: WUTC2013 Income statement.pdf
Description: Income Statement
Confidentiality: Confidential

Jeroen Swanborn

From: Records Service Center <Sharepointadmins@utc.wa.gov>
Sent: Tuesday, May 06, 2014 2:11 PM
To: regulatory@radixnetworks.com
Subject: UTC E-Filing submission received, confirmation ID 608

Your e-file submission has been received by the Washington Utilities and Transportation Commission. Please save this e-mail, and use the confirmation ID when contacting the Commission.

* Please do not reply to this message. This is an automated message, and the originating account cannot receive e-mails.

E-File submission details:

E-File ID: 608

Docket No:

Company: Radix Networks LLC

Filing description: Redacted version of confidential financial statements

Documents filed:

Filename: WUTC2013 Income statement (Redacted).pdf

Description:

Confidentiality: Confidential

Documents filed:

Filename: WUTC2013 Balance Sheet (Redacted).pdf

Description:

Confidentiality: Confidential

Jeroen Swanborn

From: Jeroen Swanborn <jeroen@radixnetworks.com>
Sent: Tuesday, May 06, 2014 2:14 PM
To: 'Andrews, Amy (UTC)'; regulatory@radixnetworks.com
Subject: RE: Incomplete Annual Report Notification for Radix Networks
Attachments: WUTC2013 Balance Sheet (Redacted).pdf; WUTC2013 Income statement (Redacted).pdf

The redacted version of the financial statements have been filed (**E-file confirmation ID: 608**) and are attached.

Thank you,
Jeroen Swanborn
503.606.6000

From: Andrews, Amy (UTC) [<mailto:aandrews@utc.wa.gov>]
Sent: Friday, May 02, 2014 3:26 PM
To: regulatory@radixnetworks.com
Cc: Andrews, Amy (UTC)
Subject: Incomplete Annual Report Notification for Radix Networks

Dear Regulated Company,

On February 28, 2014 the Utilities and Transportation Commission (commission) mailed you an Annual Report. The report and fees are due by May 1, 2014.

A review of your annual report submitted on April 29, 2014 indicates it is incomplete.

- **Redacted version of confidential financial statements not provided per WAC 480-07-160**

Commission staff may recommend enforcement action, which includes penalties of up to \$100 per day, against any company that does not file a completed annual report. In order to avoid enforcement action, the commission must receive your completed report no later than May 1, 2014.

If you have any questions about your annual report please call me at (360) 664-1157 or e-mail at aandrews@utc.wa.gov.

Amy Andrews
Fiscal Analyst
Utilities & Transportation Commission
PO Box 47250
Olympia, WA 98504-7250
☎ 360.664.1157
☎ 360.664.1289
🌐 www.utc.wa.gov