



Telmex USA, L.L.C.
3350 SW 148 Avenue
Suite 400
Miramar, FL 33027
Phone: (954) 517 7300
Fax: (954) 517 7305

July 2, 2014

Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia, WA 98504-7250

RE: Penalty Assessment: UT -140923

Dear Judge Moss,


I am writing to you in response to the \$1,000 penalty fee assessed to Telmex USA, L.L.C. by the Washington Utilities and Transportation Commission on June 3, 2014.

Indeed the 2013 Annual report was received on May 16, 2014 via email and we sincerely regret that it arrived fifteen (15) days late but respectfully request that the Commission take into account extenuating circumstances in this isolated case and consider granting us an abatement of this assessment.

Our long-time regulatory consultant – who was a sole practitioner – had not been working since the beginning of the year due to personal reasons and has recently passed away. As a result, Corporate Counsel was handling all our company’s regulatory filings single-handedly while working to re-organize this function. My full intention was to remit the 2013 form on time but when we realized that a report was due; we completed it immediately and sent it off.

In summary, I recognize that the form was already overdue when it was sent, but I hope that this letter serves to explain the unique circumstance that we have been working under for the past few months. We request that mitigation be extended from the Commission and hope that the good faith efforts that were made in order for to get the report in as timely a manner as possible are measured. To that end, I hope you will consider an abatement of the assessment.

Respectfully,


Oyebinpe Oyewale-Smith
Contract & Compliance Specialist

2014 JUL -3 AM 9:07

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT UT-140923

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 JUL -3 AM 9:07

[] 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: 7/2/14 [month/day/year], at Miramar FL [city, state]

Ayebimpe Ayewale-Smith (TelMexUSA, LLC)
Name of Respondent (company) - please print

Ayebimpe Ayewale-Smith
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

JUN 03 2014

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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

PENALTY ASSESSMENT: UT-140923

PENALTY AMOUNT: \$1,000

Telmex USA, LLC
3350 SW 148 Avenue, Suite 400
Miramar, FL 33027

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 \$1,000 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.

As of May 15, 2014, Telmex USA, LLC has not filed its 2013 annual report or paid its 2014 regulatory fee. May 15 is 10 business days from May 1, resulting in a total penalty of \$1,000.

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 June 3, 2014.

A handwritten signature in black ink, appearing to read 'Dennis J. Moss', written over a horizontal line.

DENNIS J. MOSS
Administrative Law Judge