

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT UT-160593

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 \$ \_\_\_\_\_ 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: TeleUno, Inc. respectfully requests that the attached letter be reviewed. TeleUno thought that the 2015 Annual Report had been uploaded to the WA website twice.

[ ] 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: 06/24/2016 [month/day/year], at Pompano Beach FL [city, state]

Avelino Iglesia
Name of Respondent (company) - please print

Avelino Iglesia
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."

2016 JUN 28 10:37
STATE OF WASHINGTON
UTILITY AND TRANSPORTATION COMMISSION



June 24, 2016

Judge Gregory J. Kopta  
Washington Utilities and Transportation Commission  
1300 S Evergreen Park Dr SW  
Olympia WA 98504-7250

**via Federal Express**

Re: TeleUno, Inc.  
FEIN: 51-0401137  
Penalty Assessment: UT-160593

Dear Judge Kopta:

TeleUno, Inc. ("TeleUno") is in receipt of the above Penalty Assessment (copy enclosed) in the amount of \$1,000.00 for failing to file the company's Annual Report for 2015 which was due by May 2, 2016.

According to the instructions in the Notice, TeleUno respectfully files this request that this penalty be excused in light of the following facts:

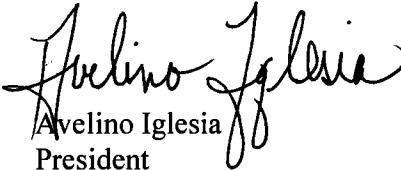
- On April 25 and 26, 2016, TeleUno made two attempts to file the 2015 Annual Report online and pay the fee due via Visa credit card, as indicated on the website.
- TeleUno went through the entire online filing and report uploading process, including financial statements, and proceeded to the payment page where we were unable to complete the payment of the fee via a Visa credit card payment.
- On April 27, TeleUno called the Commission office to find out why the website would not accept payment by credit card. *However, the report had been uploaded twice and the company thought this part of the process was complete.*
- TeleUno was told that there was a problem with the website and the only manner of paying the Annual Report Regulatory Fee was through an ACH debit.
- On April 29, 2016, TeleUno paid the \$150 fee through an ACH debit before the May 2 deadline.
- When the Penalty Assessment was received by email on June 16, 2016, TeleUno immediately contacted Commission staff to say that the report had been filed timely in April. However, we do not have a confirmation email. A copy of the Report was emailed to staff and a confirmation email was received by TeleUno confirming that the report was received.

A copy of that email is attached, along with another copy of the Annual Report and financial statements.

- TeleUno, Inc. has been filing Annual Reports in Washington for over ten years and has a record of always filing in a timely manner.

In summary, TeleUno, Inc. would never have paid the fee without thinking that the Annual Report had also been previously uploaded. Therefore, in light of the company's previous record of timely filing and the unusual circumstances of the 2015 filing outlined above, TeleUno respectfully requests that the Commission excuse this Penalty Assessment.

Sincerely,

  
Avelino Iglesia  
President

Enclosures

# WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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

PENALTY ASSESSMENT: UT-160593

PENALTY AMOUNT: \$1000

TeleUno, Inc.  
2754 West Atlantic Blvd Suite 8  
Pompano Beach, FL 33069

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 report and pay regulatory fees each year by May 1. May 1 was a Sunday, therefore you were required to file your annual report or pay regulatory fees by May 2, 2016. You did not file an annual report by May 2, 2016.

Revised Code of Washington (RCW) 80.04.405 authorizes the Commission to assess a penalty of \$100 for each violation of a Commission rule. 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 2 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 \$1000 on the following basis:

On February 29, 2016, the Commission mailed the 2015 annual report forms and the 2016 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 2, 2016. The instructions page also stated that failure to file the annual report by May 2 would result in penalties. The deadline for requesting an extension to file your annual report was April 15. You did not request an extension.

As of May 16, 2016, TeleUno, Inc. had not filed its 2015 annual report. May 16 is ten business days from May 2, resulting in a total penalty of \$1,000. The Commission has yet to receive a complete and accurate annual report and additional penalties may accrue until you submit one.

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. The Commission will grant a request for a hearing only if material issues of law or fact require consideration of evidence and resolution in a hearing. Any 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 RCW 80.04.405.

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 16, 2016.

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GREGORY J. KOPTA  
Administrative Law Judge

## TeleUno - Corporate

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**From:** Bennett, Sean (UTC) <sbennett@utc.wa.gov>  
**Sent:** Friday, June 17, 2016 10:47 AM  
**To:** TeleUno - Corporate  
**Subject:** RE: TeleUno, Inc. Penalty Assessment: UT-169593

The annual report is now complete. Thanks and have a great weekend!

### Sean Bennett

Regulatory Analyst  
Utilities & Transportation Commission  
PO Box 47250  
Olympia, WA 98504  
360-664-1157  
[sbennett@utc.wa.gov](mailto:sbennett@utc.wa.gov)

Respect, Professionalism, Integrity, Accountability

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**From:** TeleUno - Corporate [<mailto:corporateoffice@teleunoinc.com>]  
**Sent:** Friday, June 17, 2016 7:52 AM  
**To:** Bennett, Sean (UTC) <sbennett@utc.wa.gov>  
**Subject:** RE: TeleUno, Inc. Penalty Assessment: UT-169593

So sorry! Here they are. Thank you for the information regarding the penalty.

Janet

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**From:** Bennett, Sean (UTC) [<mailto:sbennett@utc.wa.gov>]  
**Sent:** Friday, June 17, 2016 9:20 AM  
**To:** TeleUno - Corporate  
**Cc:** Bennett, Sean (UTC)  
**Subject:** RE: TeleUno, Inc. Penalty Assessment: UT-169593

Good Morning – Can you resend the annual report and financials please. They weren't attached.

As for the penalty assessment. You have three options. You can pay it, request a hearing or ask for mitigation. Based on the circumstances you describe a mitigation may be the best route but ultimately it's the companies choice which option they take.

Best Regards,  
Sean

### Sean Bennett

Regulatory Analyst  
Utilities & Transportation Commission  
PO Box 47250  
Olympia, WA 98504  
360-664-1157  
[sbennett@utc.wa.gov](mailto:sbennett@utc.wa.gov)

Respect, Professionalism, Integrity, Accountability

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**From:** TeleUno - Corporate [<mailto:corporateoffice@teleunoinc.com>]  
**Sent:** Friday, June 17, 2016 7:13 AM

**To:** Bennett, Sean (UTC) <[sbennett@utc.wa.gov](mailto:sbennett@utc.wa.gov)>  
**Subject:** RE: TeleUno, Inc. Penalty Assessment: UT-169593

Sean,

We were not able to find the emailed WA confirmation for TeleUno's Annual Report. I have attached the AR and the financials which we thought was e-filed on April 29. Do we need to do anything further regarding the penalty assessment?

Thank you,

Janet

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**From:** Bennett, Sean (UTC) [<mailto:sbennett@utc.wa.gov>]  
**Sent:** Thursday, June 16, 2016 6:50 PM  
**To:** TeleUno - Corporate  
**Cc:** Bennett, Sean (UTC)  
**Subject:** RE: TeleUno, Inc. Penalty Assessment: UT-169593

Janet,

I'm happy to help and let me know if you have any other questions. In the meantime, please e-file or email me the companies complete annual report as we currently don't have one on file. Please let me know when/if you discover more information.

Thanks,  
Sean

**Sean Bennett**  
Regulatory Analyst  
Utilities & Transportation Commission  
PO Box 47250  
Olympia, WA 98504  
360-664-1157  
[sbennett@utc.wa.gov](mailto:sbennett@utc.wa.gov)  
Respect, Professionalism, Integrity, Accountability

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**From:** TeleUno - Corporate [<mailto:corporateoffice@teleunoinc.com>]  
**Sent:** Thursday, June 16, 2016 4:13 PM  
**To:** Bennett, Sean (UTC) <[sbennett@utc.wa.gov](mailto:sbennett@utc.wa.gov)>  
**Subject:** RE: TeleUno, Inc. Penalty Assessment: UT-169593

Sean,

Thank you for your prompt response to our previous email. Mr. Iglesia asked me about this again and requested I respond to you. There was much confusion in filing the Annual Report at the end of April. After having (*thought*) the AR report was successfully filed on 4/27, but was unable to complete the payment, I called the Commission and was told that there were a few glitches in the system as it was not currently accepting credit card payments; ACH payments were the only way. We would not have tried to pay the fee without having filed the report.

I will check with another of our regulatory filing staff first thing in the morning to see if there is a confirmation email, but TeleUno has always filed its reports on time and thought this year's report was no different.

Thank you for your help,