

# WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

## PENALTY ASSESSMENT UT-160600

**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:

Please refer to the attached sheet for the details.

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

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: 6/30/16 [month/day/year], at Torrance, CA [city, state]

TransPac Telecom, Inc.  
Name of Respondent (company) – please print

*Libramonte*  
for Mark Nakatsukasa - President  
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.”

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RECEIVED  
PROJECT MANAGER

# TRANSPAC

TELECOM

June 30, 2016

Gregory J. Kopta  
Administrative Law Judge  
Washington Utilities and Transportation Commission (WUTC)  
P.O. Box 47250  
Olympia, WA 98504-7250

RE: Penalty Assessment UT-160600

Dear Honorable Judge Gregory Kopta:


We have received a certified mail letter from WUTC on June 22, 2016 relative to the Penalty Assessment UT-160600. We are writing to you because we would like to request a hearing based on the following reasons:

- It was indicated on your letter that on February 29, 2016, the Commission mailed the 2015 annual report forms but we were not able to receive it. We believe that the mail was lost since we have moved to a new business location and it was not accordingly forwarded by USPS to our new address which is 2377 Crenshaw Blvd., Suite 154, Torrance, CA 90501. Please note that we moved to our new office on December 19, 2015 and we did not get the WUTC Annual Report forms.
- On May 5, 2016, we filed online the Washington UTC 170 –Telecommunications CLEC Annual Report for 2015 and paid the necessary regulatory fees. We also received a confirmation via email on May 5, 2016 at 9:45pm that our online e-file submission was received by the WUTC with confirmation ID#4144 (please see attachment-UTC\_E-Filing\_SubmissionRecvd Confirm ID4144.pdf). We were not alerted that the deadline was on May 2<sup>nd</sup> as we did not get any letter or annual forms from WUTC.
- On May 9, 2016, we received a call from Ms. Amy Clark, the WUTC Annual Report In-Charge and informed us that we were missing the Annual Revenue information on page 4 Part D of our filed Annual report. She said that once we filled up the information and form, we can email it back to her. We indicated the annual revenue information being requested and emailed it back to her on the same date, May 9, 2016 at 7:17pm as per attached email sent. (please see attachment-Email\_to\_Amy Clark\_050916).

We humbly ask your good office to take into account all these information and consider that we will not be liable to be assessed any penalty.

We thank you for your time and attention and wish your kind understanding on this matter.

Very truly yours,

for   
Mark Nakatsukasa  
President

Via priority mail/email-aclark@utc.wa.gov/fax-360.664.1289

2377 Crenshaw Blvd., Suite 154 • Torrance, California 90501 • Tel: 310-782-0999 • Fax: 844-353-3959 • www.transpacgroup.net

**Ivy Libramonte**

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**From:** Records Service Center <Sharepointadmins@utc.wa.gov>  
**Sent:** Thursday, May 05, 2016 9:45 PM  
**To:** ivyl@transpacgroup.net  
**Subject:** UTC E-Filing submission received, confirmation ID 4144

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: 4144

Docket No:

Company: TransPac Telecom, Inc.

Filing description: 170-Telecommunications CLEC Annual Report Form 2015

**Documents filed:**

Filename: 170Telecommunications CLEC Annual Report Form2015.pdf

Description: 170-Telecommunications CLEC Annual Report Form 2015

Confidentiality: Confidential

**Documents filed:**

Filename: 2015 Financials.xlsx

Description: 2015 TransPac Telecom Financials

Confidentiality: Confidential

**Ivy Libramonte**

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**From:** Ivy Libramonte <ivy@transpacgroup.net>  
**Sent:** Monday, May 09, 2016 7:17 PM  
**To:** 'aclark@utc.wa.gov'  
**Subject:** TransPac Telecom - Info on Part D. Revenue Confirmation  
**Attachments:** 170Telecommunications CLEC Annual Report Form2015.pdf

**Importance:** High

Dear Amy Clark,

Per your request, here is the updated page 4 for Part D. Revenue with the Total Company information. Please confirm receipt.

Also, is there a de minimus amount for reporting? Please advise.

Thank you,

**Ivy Libramonte**  
Sales Manager  
TransPac Telecom, Inc.  
2377 Crenshaw Blvd., Suite 154  
Torrance, CA 90501  
Tel: (310) 782-0999  
Fax: (844) 353-3959  
Email: [ivy@transpacgroup.net](mailto:ivy@transpacgroup.net)

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**TELECOMMUNICATIONS COMPANIES**  
**Competitively Classified (CLEC)**  
**2015**  
**ANNUAL REPORT**

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FOR

TRANSPAC TELECOM, INC.

(NAME UNDER WHICH CORPORATION, PARTNERSHIP, OR INDIVIDUAL IS DOING BUSINESS)

2377 Crenshaw Blvd., Suite 154

(OFFICIAL MAILING ADDRESS)

Torrance

(CITY)

CA

(STATE)

90501

(ZIP)

Please check if address listed above is an updated address

**Report Year Ended: December 31, 2015**

Inquiries concerning this Annual Report should be addressed to:

Name/Title: Mark Nakatsukasa - President  
 Address: 2377 Crenshaw Blvd., Suite 154  
 City: Torrance  
 State/Zip: CA 90501  
 Telephone: (310) 782-0999  
 Email: ivyl@transpacgroup.net

SUBMIT TO:

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION  
 PO Box 47250  
 Olympia, WA 98504-7250

File online: [www.utc.wa.gov](http://www.utc.wa.gov)

W A S H I N G T O N



UTILITIES AND TRANSPORTATION  
 COMMISSION

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**REPORT MUST BE RECEIVED NO LATER THAN MAY 2, 2016**

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\*\*\*Please refer to the Instructions for Completing the Annual Report on Page 2\*\*\*

**INSTRUCTIONS FOR ANNUAL REPORT COMPLETION****Commission Authority**

The purpose of this form is to collect financial and operational information from telecommunications companies regulated by the Washington Utilities and Transportation Commission (UTC). The commission's authority for requiring this report is found in RCW 80.04.080. This report is a non-confidential public use form.

**Certification**

The Annual Report Certification must be signed by an authorized officer, partner or owner.

**Regulatory Fees**

Regulatory fees are set by commission order A-140166.

**Deadlines and Penalties**

All telecommunications companies regulated by the UTC are required to complete this form, including all schedules. Failure to complete all schedules will result in the report being considered incomplete and subject to penalties. Completed forms and regulatory fee payments must be received by the UTC no later than **May 2, 2016**. Failure to file the annual report by the above deadline will result in a financial penalty of \$100 for each business day after May 2. Failure to pay the regulatory fees by the above deadline will result in a 2 percent penalty on the amount due and a 1 percent monthly interest charge on the unpaid balance.

**Extension Requests**

You may file a written request for an extension to file the completed annual report; however, the commission will not extend the deadline for paying regulatory fees. Any extension request must be filed with the commission by **April 15, 2016**, and must state a valid reason for why the extension is needed and identify a specific date when the report will be filed with the commission. The commission will notify you by April 29 whether your request is approved or denied. Even if your request is approved, you will still be liable for penalties and interest payment if you fail to pay your regulatory fees by May 2. To file your extension request online visit:

<http://www.utc.wa.gov/docs/Pages/ElectronicFiling.aspx>

**No longer operating in Washington**

You may cancel your registration or permit by using the Voluntary Cancellation Form available at:

<http://www.utc.wa.gov/regulatingindustries/utilities/Documents/cancelRegistration.doc>

However, if your company operated in Washington at any time during the 2015 calendar year, you must pay regulatory fees and file a closing annual report based on the months of operation during 2015.

**Confidential Status**

Telecommunications companies may file annual reports as confidential. You must follow the steps for filing confidential documents in WAC 480-07-160. The regulatory fee sheet portion of your report is not a confidential document and will not be accorded confidential treatment under the rule.

To view the confidential requirements in WAC 480-07-160, please visit the following site:

[apps.leg.wa.gov/WAC/default.aspx?cite=480-07-160](http://apps.leg.wa.gov/WAC/default.aspx?cite=480-07-160)

**Electronic Filing and Payment**

To obtain an electronic format of the report, submit a report online or pay your regulatory fees online visit:

[www.utc.wa.gov/regulatingindustries/pages/annualreports](http://www.utc.wa.gov/regulatingindustries/pages/annualreports)

**Staff Contact**

Amy Clark at (360) 664-1152 or [aclark@utc.wa.gov](mailto:aclark@utc.wa.gov)

TTY Toll-Free phone number 1-800-416-5289

Fax: (360) 664-1289

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## ANNUAL REPORT CERTIFICATION

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**(PLEASE VERIFY THAT ALL SCHEDULES ARE ACCURATE AND COMPLETE BEFORE SIGNING)**

I, the undersigned Mark Nakatsukasa  
Responsible Account Officer (Please Print)

of TransPac Telecom, Inc.  
Name of Company

have examined the foregoing report; that, to the best of my knowledge and belief, all statement of fact contained in said report are true and said report is a correct statement of the business and affairs of the above-named respondent in respect to each and every matter set forth therein during the period from January 1, 2015, to December 31, 2015, inclusive.

President  
Title  
(please print)  
  
(310) 782-0999  
Telephone Number

Mark Nakatsukasa  
Signature  
(please type if filing electronically)  
  
5/2/2016  
Date

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## GENERAL INFORMATION

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Washington Unified Business Identifier (UBI) No.: 602 815 321  
*(If you do not know your UBI No. please contact Business Licensing Service at 1-800-451-7985 or BLS@dor.wa.gov)*

**Business Structure (please check the appropriate designation):**

- Individual / Sole Proprietor    Partnership    Other (LP, LLP, LLC)    Corporation    Nonprofit Corporation

**SCHEDULE 1**

**Telecommunications Company Financial & Operational Data**

**Part A. Financial: Annual Report and Financial Reporting Requirements and Due Dates**

	Required Information	CLECs	URL's
		All Companies	
<input checked="" type="checkbox"/>	Annual Report	5/2/2016	See attached Report
<input checked="" type="checkbox"/>	Balance Sheet	5/2/2016	
<input checked="" type="checkbox"/>	Income Statement	5/2/2016	
<input type="checkbox"/>	Financial Templates	N/A	N/A
<input type="checkbox"/>	Regulatory Fee Schedule	5/2/2016	See attached Schedule

**Washington State Data**

(All companies must provide)

**Part B. Services**

Does your company provide local exchange services in WA?  YES  NO

If response is yes, Part C MUST be completed, even if response is zero (0).

**Part C. Access Lines in service as of December 31, 2015**

1 The total number of voice grade equivalent lines \_\_\_\_\_  
 This should be the same as the FCC Form 477 Part II. A. 1.

2 How many of the lines listed in C.1. above, have access to E-911 \_\_\_\_\_

**Part D. Revenue Confirmation**

	Total Company	Total WA	WA Intrastate
Annual Revenue for the twelve months ended December 31, 2015	\$2,794,963.61	\$245.25	\$245.25



**REGULATORY FEE CALCULATION SCHEDULE**

**Due May 2, 2016**

Company Name:

**TRANSPAC TELECOM, INC.**

Annual Report Year

**2015**

In accordance with RCW 80.24.010 "Regulatory Fees", the Commission requires Telecommunication companies to file reports of gross intrastate operating revenue and pay fees on that revenue. Every company subject to regulation shall file with the Commission a statement under oath showing its gross intrastate revenue for the preceding year and pay to the Commission a fee as instructed below.

**Regulatory Fee Calculations**

1 Total Gross Intrastate Operating Revenue**	x	0.001	<u>\$ 245.25</u>
2 If Line 1 is less than or equal to \$100,000, enter \$150 (skip to Line 4)			<u>\$ 150.00</u>
3 If Line 1 is greater than \$100,000, the first \$50,000 is subject to 0.1% regulatory fee			
3a Enter \$50,000	x	0.001	_____
3b Remainder of revenues subject to 0.2% regulatory fee			_____
3c Subtract \$50,000 from Line 1	x	0.002	_____
4 Total Regulatory Fees Due (Line 2 or Line 3a + Line 3c)			<u>\$ 150.00</u>

*Agency Use Only* 001-111-0268-170-01

**Penalty & Interest Calculations**

Penalties on Regulatory Fees being paid after **May 2**

5 Total Penalties on Regulatory Fees owed (enter amount from Line 5 x 2%)	x	0.02	_____
6 Interest on Regulatory Fees being paid after <b>May 31</b>			
7 Amount from Line 5 x Number of months past May 31 x 1%	x	x	0.01
8 Total Penalties and Interest owed (Line 5a plus Line 7a)			_____

Total Regulatory, Penalties and Interest Fees Due (Line 4 plus Line 8)

\$ 150.00

*Agency Use Only* 001-111-0268-170-11

**\*\*Note:** The revenues subject to the Commission's regulatory fees are gross Washington intrastate operating revenues before deductions for uncollectibles, unbillables, subscriber/aggregator commissions or the payment of site charges and state and federal taxes, i.e. "Gross Revenues" means before any deductions from Revenue Receipts.

**COMMISSION USE ONLY**

Reception #:	_____	001-111-0268-170-01	_____
Reference:	AR2015	001-111-0268-170-11	_____
Payment ID:	_____	001-111-0268-032-20	_____
		001R-111-0268-032-20 (	_____ )
		<b>Total Paid:</b>	_____

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## PAYMENT INFORMATION

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The commission accepts the following methods of payment:

- Cash (in-person at commission)
- Check (must be in US Funds)
- Online payments\* (ACH, American Express, Discover/Novus, Mastercard, Visa)
- Pay-by-phone (credit card payments only) at (360) 664-1349

*\*Please note: A convenience fee of 2.5 percent (minimum of \$3.95) is charged by Official Payments for using the credit card processing service.*

To pay online visit:

<https://fortress.wa.gov/wutc/utcweb/regulatedIndustries/Pages/onlinepayments.asp>

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## FILING YOUR REPORT

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All annual reports and regulatory fees must be received by the commission no later than May 1 each year (or the following business day if May 1 lands on a weekend). Postmark dates are not considered the date received. It is strongly recommended to use a mail delivery service, such as certified mail via USPS, with delivery confirmation or filing online to receive an email notification of receipt.

Reports may be mailed, faxed, delivered in person or submitted online:

- Mail to: *(recommend via certified mail no later than April 15 to ensure timely delivery)*  
Utilities and Transportation Commission  
PO Box 47250  
Olympia, WA 98504
- Physical Address for express delivery services (Fedex, UPS):  
1300 S. Evergreen Park Dr. S.W.  
Olympia, WA 98504
- Fax to: (360) 664-1289 *(Contact commission staff below to verify receipt)*
- File online using the commission e-file system: *(System will generate automatic email receipt)*  
<https://fortress.wa.gov/wutc/utcweb/docs/Pages/ElectronicFiling.aspx>

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## NEED MORE ASSISTANCE?

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For more information about annual reports please reference the Annual Report FAQ document at the website below or contact Amy Clark at (360) 664-1152 or [aclark@utc.wa.gov](mailto:aclark@utc.wa.gov).

<https://fortress.wa.gov/wutc/utcweb/regulatedindustries/Pages/annualReports.aspx>



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TORRANCE CA 90501  
310.782.0999

**0006**

**B001**

SHIP TO: WUTC WA Utilitites and  
Transportation Commission  
PO Box 47250  
Olympia WA 98504-7250



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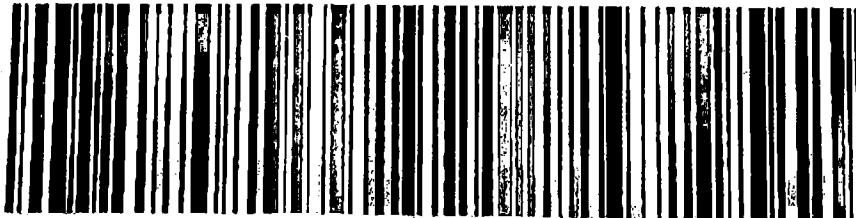
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**B001**

SHIP TO: WUTC WA Utilitites and  
Transportation Commission  
PO Box 47250  
Olympia WA 98504-7250



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\* \* \* Error Report ( Jul. 1. 2016 7:34PM ) \* \* \*

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Quick Service Code

P. 15

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# : Batch  
 > : Memory  
 > : Standard  
 > : Reduction  
 > : RX Notice Req.  
 > : Folder

C : Confidential  
 L : Send later  
 D : Detail  
 H : Stored/D. Server  
 A : RX Notice

\$ : Transfer  
 @ : Forwarding  
 F : Fine  
 \* : LAN-Fax  
 ☒ : Mail

P : SEP Code  
 E : ECM  
 U : Super Fine  
 + : Delivery  
 <-> : IP-FAX

# FAX

*Date:* 07/01/2016 04:36:59 PM -1000

*Pages:* 14

*Subject:* Washington Utilities & Transportation Commission Dispute on Penalty Ass

STATE OF WASHINGTON  
OFFICE OF THE ATTORNEY GENERAL  
2016 JUL -5 AM 10:02  
RECEIVED  
REGISTRATION MANAGEMENT

*To:* WUTC **Records Center**

*From:* Ivy Libramonte

*Organization:*

*Organization:* Transpac Group

*Fax Number:* 3606641289

*Fax Number:* 808-356-7891

*Phone Number:*

*Phone Number:* 310-782-0999

*Email:* ivyl@transpacgroup.net

*Comments:*

Dear WUTC:

We have attached here the WUTC Letter on Penalty Assessment UT-160600 and supporting statements and documents.

Please confirm receipt of 15pages including cover page.

Thank you,  
Ivy  
TransPac Telecom Inc.  
310-782-0999 .

**SERVICE DATE****JUN 16 2016****WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION****NOTICE OF PENALTIES INCURRED AND DUE  
FOR VIOLATIONS OF LAWS AND RULES****PENALTY ASSESSMENT: UT-160600****PENALTY AMOUNT: \$1000**

TransPac Telecom, Inc.  
2377 Crenshaw Blvd, Suite 250  
Torrance, CA 90501

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.

On Thursday, May 5, 2016, TransPac Telecom, Inc. filed an incomplete 2015 annual report and paid its 2016 regulatory fee. As of May 16, the report remained incomplete. 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



UT-160600

Page 2

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.

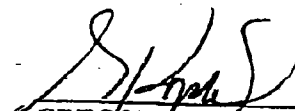
**You must act within 15 days after receiving this notice** to do one of the following:

- 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.

  
\_\_\_\_\_  
GREGORY J. KOPTA  
Administrative Law Judge