

BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of)	DOCKET NO. UT-050713
)	
PENALTY ASSESSMENT AGAINST)	ORDER NO. 02
EXCEL TELECOMMUNICATIONS,)	
INC.)	
)	COMMISSION DECISION AND
)	ORDER AFFIRMING INITIAL
)	ORDER GRANTING, IN PART,
)	MITIGATION OF PENALTIES
.....)	

1 **SYNOPSIS:** *The Commission affirms and adopts an Initial Order thereby granting, in part, a petition of Excel Telecommunications, Inc. (Excel) for mitigation of penalties, finding that the assessed penalties should be mitigated from \$2,600 to \$1,600.*

2 **NATURE OF PROCEEDING:** In this Order the Commission reviews an initial order that proposed to grant, in part, a petition of Excel for mitigation of penalties.

3 **INITIAL ORDER:** An initial order was entered on September 23, 2005, by Administrative Law Judge Theodora M. Mace proposing that the petition of Excel for mitigation of penalties be granted, in part.

4 **PETITION FOR REVIEW:** No petition for administrative review was filed within the 21 days allowed by rule for filing in a brief adjudicative proceeding. WAC 480-07-610(7). The Commission has reviewed the proposed order and the evidence of record and believes that the findings, the conclusions, and the order are consistent with the record. In accordance with RCW 34.05.464 and WAC 480-07-825(7), the Commission accepts the findings of fact and conclusions of law, and adopts the Initial Order as its own, for purposes of this proceeding.

ORDER

THE COMMISSION ORDERS That:

- 5 The Commission affirms and adopts the Initial Order in this docket for purposes of this proceeding. In so doing,

THE COMMISSION FURTHER ORDERS That:

- 6 The Commission grants mitigation of penalties totaling \$2,600 to the sum of \$1,600, conditioned upon payment of the resulting \$1,600 penalty within thirty days of the date of this order, or as soon thereafter as is permitted due to Excel's status in bankruptcy, subject to Excel's providing proof from the court of any prohibition on or delay of payment.

DATED at Olympia, Washington and effective this 9th day of November, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK H. SIDRAN, Chairman

PATRICK J. OSHIE, Commissioner

PHILIP B. JONES, Commissioner

NOTICE TO PARTIES: This is a final order of the Commission. In addition to judicial review, administrative relief may be available through a petition for reconsideration, filed within 10 days of the service of this order pursuant to RCW 34.05.470 and WAC 480-07-850, or a petition for rehearing pursuant to RCW 80.04.200 or RCW 81.04.200 and WAC 480-07-870.