

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND	)	DOCKET UT-091666
TRANSPORTATION COMMISSION,)	
	)	ORDER 02
Complainant,)	
)	
v.	)	FINAL ORDER GRANTING
	)	PETITION FOR REVIEW AND
ADVANCED TEL, INC., AIR SPEED,	)	REVERSING INITIAL ORDER, IN
LLC, AIRNEX COMMUNICATIONS,	)	PART, AS TO MOMENTUM
INC., CLERTECH.COM, DIGITLINE	)	TELECOM, INC.; AFFIRMING AND
EXPRESS, LLC, EMAN NETWORKS,	)	ADOPTING INITIAL ORDER, IN
FOX COMMUNICATION, LLC, GLOBAL	)	PART, AS TO REMAINING
TELECOM & TECHNOLOGY	)	CARRIERS
AMERICAS, INC., GLOBETEL, INC., GTC)	
TELECOM CORP., LSSI DATA)	
CORPORATION, MOMENTUM)	
TELECOM, INC., QUALITY)	
TELEPHONE, INC., V-GLOBAL)	
COMMUNICATIONS, INC. AND WTI,)	
LLC,)	
)	
Respondents.)	
)	
.....)	

1 **Synopsis:** *This Final Order grants the Petition for Administrative Review of Momentum Telecom, Inc., reverses the Initial Order, in part, and dismisses the complaint against the carrier. This Order also affirms the Initial Order with regard to the remaining carriers. Therefore, this Order cancels the telecommunications company registrations of Advanced Tel, Inc.; Airnex Communications, Inc.; Clertech.com; Fox Communication, LLC; Global Telecom & Technology Americas, Inc.; Globetel, Inc.; GTC Telecom Corp.; V-Global Communications, Inc.; and WTI, LLC, as the companies have failed to file their annual reports as required by RCW 80.04.080, and to pay regulatory fees as required by RCW 80.24.010. This Order affirms the Initial Order’s dismissal of the Complaint against Air Speed, LLC; DigitLine Express, LLC; EMAN Networks; LSSi Data Corporation; and Quality Telephone, Inc.*

- 2 **NATURE OF THE PROCEEDING.** In this proceeding, the Washington Utilities and Transportation Commission (Commission) filed a complaint against fifteen telecommunications companies, requiring the companies to appear and show cause why their registrations should not be canceled for failing to file annual reports or pay regulatory fees.
- 3 **INITIAL ORDER.** Following notice to the companies, and hearing held on February 21, 2010, Administrative Law Judge Marguerite E. Friedlander entered an Initial Order, Order 01, in this proceeding on February 2, 2010, proposing that the Complaint against Advanced Tel, Inc.; Airnex Communications, Inc.; Clertech.com; Fox Communication, LLC; Global Telecom & Technology Americas, Inc.; Globetel, Inc.; GTC Telecom Corp.; Momentum Telecom, Inc.; V-Global Communications, Inc.; and WTI, LLC, be granted and the telecommunications company registrations of these ten companies be revoked for failure to file an annual report and failure to comply with reporting and fee requirements. The Initial Order also recommended that the Complaint be dismissed against Air Speed, LLC; DigitLine Express, LLC; EMAN Networks; LSSi Data Corporation; and Quality Telephone, Inc., as these companies complied with the requirements for filing annual reports and paying regulatory fees prior to the scheduled hearing.
- 4 **PETITIONS FOR REVIEW.** Momentum Telecom, Inc. (Momentum or Company) timely filed a Petition for Administrative Review (Petition) on February 22, 2010.¹ Momentum explains in its Petition that it believed that it was in compliance with the Commission's rules since the Company mailed its annual report to the Commission via United States mail on or about December 18, 2009.² Momentum claims that it misplaced the hearing notice and so did not attend the February 1, 2010, hearing.³ Momentum submitted its delinquent annual report on February 18, 2010, and did not submit regulatory fees since it currently has no Washington state customers and no intrastate revenues.⁴ Momentum asserts that it is a competitive local exchange carrier

¹ Parties have 20 days in which to petition for administrative review of an initial order under WAC 480-07-825(2). In this case, petitions were due on February 22, 2010.

² *Washington Utilities and Transportation Commission v. Advanced Tel, Inc., et al.*, Petition of Momentum Telecom, Inc. for Administrative Review, ¶ 5, Docket UT-091666 (February 22, 2010).

³ *Id.*

⁴ *Id.* ¶ 6.

with limited resources and that it unintentionally fell out of compliance with the Commission's regulations with regard to the 2008 Annual Report.⁵ According to Momentum, the Company has taken steps to ensure compliance in the future and requests that it be dismissed from this proceeding.

5 **COMMISSION STAFF'S RESPONSE.** On February 24, 2010, Commission Staff⁶ filed a response to the Company's Petition. Staff states that it is not opposed to Momentum's Petition and that it is not opposed to rescinding cancellation of Momentum's telecommunications registration.⁷ Staff asserts that it has no explanation as to why the Commission never received the annual report Momentum claims it mailed on December 18, 2009.⁸ However, Staff points out that it has no reason to doubt Momentum's assertion.⁹ Staff notes that if Momentum had verified that the Commission had received the Company's 2008 Annual Report, it could have corrected the issue in a more timely way.¹⁰ Commission Staff concurs that Momentum does not owe any regulatory fees to the Commission.¹¹

6 **COMMISSION DISCUSSION AND DECISION.** The Commission has reviewed Momentum's Petition, Staff's response, the Initial Order, and the evidence of record. The Commission concludes that the Petition should be granted, and the Complaint should be dismissed against Momentum. In all other respects, the Commission accepts the findings of fact and conclusions of law set forth in the Initial Order as its own, for purposes of this proceeding.

⁵ *Id.* ¶ 5.

⁶ In formal proceedings, such as this, the Commission's regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners' policy advisors do not discuss the merits of this proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See, RCW 34.05.455.*

⁷ *Washington Utilities and Transportation Commission v. Advanced Tel, Inc., et al.*, Commission Staff's Answer to Momentum Telecom, Inc.'s Petition for Administrative Review, ¶ 2, Docket UT-091666 (February 24, 2010).

⁸ *Id.* ¶ 4.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

ORDER

THE COMMISSION ORDERS:

- 7 (1) The Commission grants the Petition for Administrative Review filed by Momentum Telecom, Inc., dismisses the Complaint in this proceeding against Momentum Telecom, Inc., and reverses the findings of fact and conclusions of law in the Initial Order concerning Momentum Telecom, Inc.
- 8 (2) In all other respects the Commission accepts the findings of fact and conclusions of law set forth in the Initial Order as its own, for purposes of this proceeding, and cancels the telecommunications company registrations of Advanced Tel, Inc.; Airnex Communications, Inc.; Clertech.com; Fox Communication, LLC; Global Telecom & Technology Americas, Inc.; Globetel, Inc.; GTC Telecom Corp.; V-Global Communications, Inc.; and WTI, LLC.

DATED at Olympia, Washington, and effective March 5, 2010.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

JEFFREY D. GOLTZ, 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 and WAC 480-07-870.