

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT, Docket No. UT-060977

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 violation occurred and enclose \$100 in payment of the penalty.
2. **Request for a hearing.** I believe that the alleged violation did not occur, based on the following information, and request a hearing for a decision by an administrative law judge:
3. **Application for mitigation.** I admit the violation, but I believe that the penalty should be reduced for the reason(s) set out below.
- a) I ask for a hearing for a decision by an administrative law judge
- OR b) I waive a hearing and ask for an administrative decision on the information I present here.

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: 7/19/2006 [month/day/year], at Glenns Ferry, ID [city, state]

Pend Oreille Telephone Company
Name of Respondent (company) – please print


Signature of Applicant
Mark R. Martell, Admin. Manager

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.”

PEND OREILLE



892 W. MADISON AVE.
GLENN'S FERRY, IDAHO 83623
(208) 366-2840 • FAX (208) 366-2615
WWW.POTC.NET

July 19, 2006

Washington Utilities & Transportation Commission
Dennis Moss, Administrative Law Judge
1300 S. Evergreen Park Dr. SW
Olympia, WA 98504-7250

RE: Penalty Assessment No: UT-06977

Dear Mr. Moss:

Please accept this letter as Pend Oreille Telephone Company's application for mitigation of penalty fees assessed.

We sent the annual report via '2nd day air' UPS (*see attached delivery notification*) on Friday, 4/28/06. We were informed by UPS that 2nd day air includes Saturdays and WUTC would receive the package by Monday, 5/01/06. Through no fault or negligence of our own, it did not reach your office until May 2nd.

Pend Oreille Telephone Company hereby respectfully requests a review and rescission of the penalty assessed due to the extenuating circumstances outlined above.

Sincerely,

Mark R. Martell
Administrative Manager

Enclosure

MRM/sec

06 JUL 20 AM 8:13
RECEIVED
WUTC
Dennis Moss



DELIVERY NOTIFICATION

Dear Customer,

This is in response to your request for delivery information concerning the shipment listed below.

Tracking Number: 1Z F80 46E 07 9007 197 8
Service Type: 2ND DAY AIR AM
Shipped or Billed on: 04/28/2006
Delivered on: 05/02/2006 11:53 A.M.
Delivered to: OLYMPIA, WA, US
Signed by: SOMMERVILLE
Location: FRONT DESK

Thank you for giving us this opportunity to serve you.

Sincerely,
United Parcel Service

Tracking results provided by UPS: 07/10/2006 11:18 A.M.
Eastern Time (USA)