

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

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|------------------------------|---|--------------------------|
| In re Penalty Assessment No. |) | DOCKET NO. UT-051708 |
| UT-051708 |) | |
| |) | ORDER NO. 02 |
| |) | |
| WA-CLEC, LLC. |) | |
| |) | ORDER RESCINDING PENALTY |

- 1 On December 5, 2005, the Commission issued a penalty assessment against WA-CLEC, LLC, in the amount of \$100 for one violation of WAC 480-120-303, which requires competitively classified telecommunications companies to file annual reports with the Commission no later than May 1 each year. In the penalty, the Commission found that WA-CLEC, LLC failed to file its 2004 Annual Report or pay its 2005 Regulatory Fee until October 5, 2005.

- 2 On December 13, 2005, the Commission received information from Staff that indicated the penalty was based on information provided in error.

- 3 In fact, WA-CLEC, LLC was not required to file a 2004 annual report. WA-CLEC, LLC received its authority to operate as a telecommunications provider on April 4, 2005. It did not operate in 2004 and, therefore, was not obligated to file an annual report or pay regulatory fees for that year. The company submitted an annual report on October 5, 2005, and paid \$35.00. Those monies were refunded to it on November 15, 2005.

ORDER

- 4 The Commission rescinds the penalty issued in the original order in this docket. Staff will revise its records to show there is no amount due from WA-CLEC, LLC. Upon service of this order, Staff will close the docket.

DATED at Olympia, Washington and effective this ~~16th~~ day of December 2005.


MARK H. SIDRAN, Chairman


PATRICK OSHIE, Commissioner


PHILIP 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.