

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT UT-170444

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. **Contest the violation.** I believe that one or more of the alleged violations did not occur, for the reasons I describe below (if you do not include reasons supporting your contest of the violations here, your request will be denied):

ZETZO BUSINESS ACTIVITY. CONSTELLATION TELECOM NEVER GOT PAST THE R&D STAGE. DUE TO LOCAL MUNICIPAL ORDINANCES, DECIDED NOT TO PURSUE FURTHER.

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.

3. **Application for mitigation.** I admit the violations, but I believe that the penalty should be reduced because the violations occurred due to circumstances beyond my control, as explained below (if you do not include reasons that support your application for mitigation here, your request will be denied):

a) I ask for a hearing to present evidence on the information I provide above to an administrative law judge for a decision

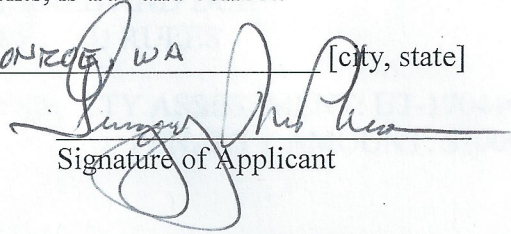
OR

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: JULY 10, 2017 [month/day/year], at MONROE, WA [city, state]

GREGORY MACPHERSON
Name of Respondent (company) – please print


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.”

telecommunications companies with the state annual report and pay regulatory fees each year by May 1. You did not file your annual report by May 1, 2017.

Revised Code of Washington (RCW) 9A.72.020 authorizes the Commission to assess a penalty of \$100 for each day that a telecommunications provider is in violation. In the case of a continuing violation, every day's continuation is a separate and distinct violation. The Commission interprets this statute with WAC 480-120-182 as a continuing violation, and assesses penalties of \$750 for each day a company fails to file its complete report or pay its regulatory fees after the date

As a result, the Commission has assessed penalties against you in the amount of \$1,000 on the following basis:

On February 23, 2017, the Commission sent the 2016 annual report forms and the 2017 regulatory fee packets to all telecommunications providers registered in Washington. The instructions were for you to file your report forms instructed these companies with the annual report and pay regulatory fees by May 1, 2017. The annual report was filed by you on May 1, 2017.

As of May 15, 2017, Constellation Telecommunications had not filed its complete 2016 annual report or paid its 2017 regulatory fees. May 15 is 10 business days after May 1, resulting in a total penalty of \$1,000. A complete and accurate annual report is still not on file and additional penalties may accrue until the Commission receives the report and any required regulatory fees. Constellation Telecommunications does not have prior violations of 480-120-182, and accordingly, the Commission will exercise its discretion to suspend a \$750 portion of the penalty subject to the conditions that Constellation Telecommunications files a complete annual report, pays any outstanding regulatory fees, and pays the \$250 portion of the penalty that is not suspended.