

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In re Petition of

LTE WIRELESS INC.

for Registration and Competitive
Classification as a Telecommunications
Company.

DOCKET UT-180709

NOTICE OF INTENT TO DENY
PETITION FOR REGISTRATION

NOTICE OF HEARING
(Set for Tuesday, October 16, 2018, at
9:30 a.m.)

BACKGROUND

- 1 On August 23, 2018, LTE Wireless Inc. (LTE or Company) filed with the Washington Utilities and Transportation Commission (Commission) a petition for registration and competitive classification (Petition).
- 2 Pursuant to Revised Code of Washington (RCW) 80.36.350, telecommunications companies must petition for registration on a form prescribed by the Commission and must include information that the Commission may by rule require. At a minimum, under RCW 80.36.350, the petition must include the name and address of the company, its most current balance sheet, and additional items enumerated in the statute. Under Washington Administrative Code (WAC) 480-121-020(3) the Commission may require that a petitioner show compliance with all applicable federal, state, and local telecommunications technical and business regulations.
- 3 The Commission may deny a petition for registration pursuant to WAC 480-121-040(2) if, after hearing, the Commission finds that the petition is not consistent with the public interest. In addition, RCW 80.36.350(3) as well as WAC 480-121-040(2)(c) authorize the Commission to deny registration to a telecommunications company that does not possess adequate financial resources to provide proposed services.
- 4 The Commission must take action to approve or issue a notice of hearing concerning any petition for registration within thirty days after receiving the petition. The Commission may deny an application after hearing.¹
- 5 Commission Staff (Staff) reviewed the Petition, and recommends the Commission deny the Petition for reasons set out below.

¹RCW 80.36.350(4).

FACTUAL ALLEGATIONS

- 6 Staff's review found that the the Uniform Business Identifier (UBI) number listed on the Petition is associated with a company with a different name. Online state records associated with that UBI number list governing people whose names do not appear in LTE's Petition, and the only person listed in the Petition, Robert Casey, is not listed as a governing person of the company associated with the UBI number.
- 7 In its review of the Company's balance sheet, Staff finds indications that the Company does not possess sufficient financial resources to provide the proposed services.
- 8 Staff attempted to contact LTE multiple times to resolve the question of the UBI number and the company name, but the Company has not provided an explanation. Staff cannot verify whether LTE has complied with all state business requirements, and is unable to verify the company name that LTE plans to use to provide telecommunications service in the state of Washington. Staff alleges that the Company's failure to demonstrate compliance with state business licensing requirements as well as with Commission application requirements indicate that granting the Petition is incompatible with the public interest. In addition, Staff recommends the Commission deny the Petition because the Company has not shown its financial resources are adequate to provide the proposed service.

DISCUSSION

- 9 The Commission agrees with Staff's recommendations and will deny the Petition unless the Company provides evidence to disprove the allegations or otherwise remedy the deficiencies in the Petition. The information Staff provided indicates that LTE's non-compliance with state business licensing requirements and Commission application requirements, along with the Company's inadequate financial resources, render the Company unfit to serve as a telecommunications company in the state of Washington.
- 10 Staff's findings support the conclusion that the Petition does not meet the requirements of WAC 480-121-020(3) and RCW 80.36.350, that approving the registration is not in the public interest, and the Commission should set this matter for hearing to provide the Company with the opportunity to present evidence to refute that conclusion.

NOTICE

- 11 The Commission hereby provides notice of its intention to deny LTE's petition for registration and competitive classification for failure to meet the registration requirements in RCW 80.36 and WAC 480-121. LTE has the opportunity to contest any factual allegations in this notice at the hearing detailed below. Pursuant to RCW 80.36.350, unless and until the Commission approves the Company's registration, LTE is not authorized to operate in Washington as a telecommunications company.

- 12 Pursuant to RCW 34.05.482 and WAC 480-07-610, the Commission determines that a brief adjudicative proceeding is appropriate for determining whether the Petition should be denied due to the concerns raised after Staff's review.
- 13 **THE COMMISSION GIVES NOTICE That it will hold a brief adjudicative proceeding on this matter on Tuesday, October 16, 2018, at 9:30 a.m. in the Commission's Hearing Room, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Dr. SW, Olympia, Washington.**
- 14 The record in this case will consist of any documents regarding the matter that are considered by or prepared for the presiding officer for the brief adjudicative proceeding and a transcript of any oral statements given at the hearing, which statements will be given under oath.
- 15 Written notice of any other stage in the proceeding or other formal proceedings that the Commission may deem appropriate will be given during the course of this case. The Commission will provide at its offices in Olympia, Washington, copies of documents in the current record for use by the parties or others who may want to review them.
- 16 Parties wishing to submit any other documents for consideration at the brief adjudicative proceeding must file the documents with the Commission along with a list enumerating the documents no later than 5:00 p.m. on Thursday, October 11, 2018, and bring an original and three (3) copies of the documents to the hearing. Filing shall be in accordance with WAC 480-07-140.
- 17 **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the brief adjudicative proceeding set by this Notice, or any other stage of this proceeding, may be held in default under RCW 34.05.440 and WAC 480-07-450.**
- 18 The names and mailing addresses of all parties and their known representatives are shown as follows:

Applicant: LTE Wireless, Inc.
3916 N Potsdam Ave, Suite 1061
Sioux Falls, SD 57104
Email: info@ltewireless.com

Representative: Unknown

Registered Agent: Incorp Services, Inc.
4505 Pacific Highway E Suite 12
Fife, WA 98424

Commission: Washington Utilities and
Transportation Commission
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250

Representative: Jennifer Cameron-Rulkowski
Assistant Attorney General
1400 S. Evergreen Park Drive S.W.
P.O. Box 40128
Olympia, WA 98504-0128
(360) 664-1186
jennifer.cameron-rulkowski@utc.wa.gov

19 Administrative Law Judge Andrew J. O’Connell, from the Commission’s Administrative Law Division, will preside during this proceeding.

DATED at Olympia, Washington, and effective September 21, 2018.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK L. JOHNSON, Executive Director and Secretary