August 10, 2012

David W. Danner, Executive Director and Secretary

Washington Utilities and Transportation Commission

1300 S. Evergreen Park Dr. SW

P. O. Box 47250

Olympia, Washington 98504-7250

RE: *Washington Utilities and Transportation Commission v. Legacy Long Distance International, Inc.*

Commission Staff’s Response to Application for Mitigation of Penalties

Docket UT-120980

Dear Mr. Danner:

On July 31, 2012, the Washington Utilities and Transportation Commission issued a $2,100 Penalty Assessment in Docket UT-120980 against Legacy Long Distance International, Inc. for 21 violations of Washington Administrative Code (WAC) 480-120-382, which requires competitively classified telecommunications companies to furnish annual reports to the commission no later than May 1 each year.

On August 3, 2012[[1]](#footnote-1), Legacy Long Distance International, Inc. wrote the commission requesting mitigation of penalties (Mitigation Request). In its Mitigation Request, Legacy Long Distance International, Inc. does not dispute that the violation occurred. The company states, “First time violation. Lost or missing forms.”

It is the company’s responsibility to ensure that the regulatory fee and the annual report are filed by the May 1 deadline. On February 29, 2012[[2]](#footnote-2), Annual Report forms and Regulatory Fee packets were mailed to all regulated competitively classified telecommunications companies. In addition to other information, the cover letter informed the regulated company it must complete the annual report form, pay any regulatory fees and return the material by May 1, 2012 to avoid enforcement action. On May 14, 2012[[3]](#footnote-3), the commission mailed a letter to those companies that had not yet filed an annual report notifying them that, to date, they had incurred a penalty of $800. The letter went on to explain that companies who filed their annual reports no later than May 25, 2012, would receive mitigated penalties of $25 per day, with an additional $25 per day for each instance in the previous five years that the company received a penalty for filing a late report.

Legacy Long Distance International, Inc. filed its annual report on August 3, 2012. Legacy Long Distance International, Inc. did not file its annual report by May 31, 2012, which is 21 business days past the deadline of May 1, 2012. The penalty is $100 per day for a total of $2,100. Legacy Long Distance International, Inc. became regulated in December 1998 and has never received a penalty for filing a delinquent annual report.

Staff supports mitigating the assessed penalty from $2,100 to $1,050, which represents a 50 percent reduction because this is Legacy Long Distance International, Inc.’s first late filing.

If you have any questions, please contact Mathew Perkinson, Compliance Investigator, at (360) 664-1105, or at Mperkinson@utc.wa.gov.

Sincerely,

Sharon Wallace, Assistant Director

Consumer Protection and Communications

**Attachment A**

**Attachment B**

**Attachment C**

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1. See attachment A for a copy of Legacy Long Distance International, Inc.’s Mitigation Request. [↑](#footnote-ref-1)
2. See attachment B for a copy of the letter sent to all regulated companies on February 29, 2012. [↑](#footnote-ref-2)
3. See attachment C for a copy of the enforcement letter sent to the company on May 14, 2012. [↑](#footnote-ref-3)