



STATE OF WASHINGTON

UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250

(360) 664-1160 • TTY (360) 586-8203

September 9, 2015

Steven V. King, Executive Director and Secretary
Utilities and Transportation Commission
1300 S. Evergreen Park Dr. SW
P.O. Box 47250
Olympia, WA 98504-7250

RE: *Washington Utilities and Transportation Commission v. Unity Telecom LLC*

Commission Staff's Response to Application for Mitigation of Penalties UT-150859

Dear Mr. King:

On June 5, 2015, the Utilities and Transportation Commission issued a \$1,000 Penalty Assessment in Docket UT-150859 against Unity Telecom LLC for 10 violations of Washington Administrative Code (WAC 480-120-382), which requires telecommunications companies to furnish annual reports to the commission no later than May 1 each year.

On September 2, 2015, Unity Telecom LLC wrote the commission requesting mitigation of penalties. In its mitigation request, Unity Telecom LLC does not dispute the violation occurred. The company's request states, "This letter is a formal request to ask the Commission to take consideration in waiving a penalty assessment against Unity Telecom, LLC. While Unity Telecom, LLC was given authority to operate in the state of Washington, the company never established service or business operations within the state and has since dissolved the company in other states."

It is the company's responsibility to ensure that the regulatory fee is paid and the annual report is filed by the May 1 deadline. On February 27, 2015, Annual Report packets were mailed to all regulated telecommunications companies. The instructions for annual report completion page of the annual report informed the regulated company that it must complete the annual report form, pay the regulatory fees, and return the materials by May 1, 2015, to avoid enforcement action.

On May 22, 2015, Unity Telecom LLC filed a complete 2014 annual report with no regulated revenues reported and no regulatory fees owed. Unity Telecom LLC has been active since 2000. In 2012, the company changed its name from dPI Teleconnect, LLC. The company previously missed the deadline to file its annual report and pay regulatory fees during the 2005 reporting year with no prior mitigation of the previous penalty.

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The company's standing in other states has no bearing on the filing requirement with the commission. Additionally, the company did not respond with its request for mitigation within the 15 days provided in the penalty assessment. The penalty assessment was received and signed for by a company representative on June 15, 2015 via certified letter. Staff does not support the company's request to waive the penalty. Despite the prior violation of WAC 480-120-382, staff supports the company's request for mitigation due to the recent filing compliance. However, the prior violation will be taken into account for the recommended amount of mitigation. Staff recommends a reduced penalty of \$50 per day for a total penalty assessment of \$500.

If you have any questions regarding this recommendation, please contact Amy Andrews, Regulatory Analyst, at (360) 664-1157, or aandrews@utc.wa.gov.

Sincerely,



Sondra Walsh, Director
Administrative Services