

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

**PENALTY ASSESSMENT UT-170450**

**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](http://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):

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):

We were not made aware of the violation until 10 business days had passed. It was then corrected within 3 hours (see attached emails). If we had known of the violation earlier, it would not have been late. But to penalize us for the 10 days that Commission staff waited to notify us seems excessive.

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.

**Please send any correspondence regarding this matter to:**

Global Capacity  
3415 Greystone Drive, Suite 300  
Austin, TX 78731

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: 7/12/2017 [month/day/year], at Austin, TX [city, state]

GC Pivotal, LLC d/b/a Global Capacity  
Name of Respondent (company) – please print  
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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.”

## Bethany Hoffmann

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**From:** Bennett, Sean (UTC) <[sbennett@utc.wa.gov](mailto:sbennett@utc.wa.gov)>  
**Sent:** Thursday, May 18, 2017 4:20 PM  
**To:** Bethany Hoffmann  
**Subject:** RE: GC Pivotal, LLC - Incomplete 2016 Annual Report

Thank you. The annual report is now complete. Have a great day!

### Sean Bennett

Regulatory Analyst  
Utilities & Transportation Commission  
PO Box 47250  
Olympia, WA 98504  
360-664-1157  
[sbennett@utc.wa.gov](mailto:sbennett@utc.wa.gov)

Respect, Professionalism, Integrity, Accountability

**From:** Bethany Hoffmann [<mailto:bethany.hoffmann@globalcapacity.com>]  
**Sent:** Thursday, May 18, 2017 1:03 PM  
**To:** Bennett, Sean (UTC) <[sbennett@utc.wa.gov](mailto:sbennett@utc.wa.gov)>  
**Cc:** Bethany Hoffmann <[bethany.hoffmann@globalcapacity.com](mailto:bethany.hoffmann@globalcapacity.com)>  
**Subject:** RE: GC Pivotal, LLC - Incomplete 2016 Annual Report

Sean,  
Here are the requested documents – if you need anything else, please let me know.

Thanks!

**Bethany M. Hoffmann**  
Regulatory Compliance Paralegal/Wholesale Contracts Manager

Please note my new office phone number and email address.



**3415 Greystone Drive, Suite 300**  
**Austin, TX 78731-2365**

**O.** (303) 290-7678 **M.** (512) 897-4225 **F.** (512) 371-6624  
**E.** [bethany.hoffmann@globalcapacity.com](mailto:bethany.hoffmann@globalcapacity.com)

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Learn more about us at [www.globalcapacity.com](http://www.globalcapacity.com)

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**From:** Bennett, Sean (UTC) [<mailto:sbennett@utc.wa.gov>]  
**Sent:** Thursday, May 18, 2017 2:41 PM  
**To:** Bethany Hoffmann <[bethany.hoffmann@globalcapacity.com](mailto:bethany.hoffmann@globalcapacity.com)>

**Cc:** Bennett, Sean (UTC) <[sbennett@utc.wa.gov](mailto:sbennett@utc.wa.gov)>  
**Subject:** RE: GC Pivotal, LLC - Incomplete 2016 Annual Report

Hi Bethany,

In order to file a document as confidential you must:

- Submit one unredacted version of the document that is marked “confidential per WAC 480-07-160”
- Submit one redacted version that is marked “redacted per WAC 480-07-160”

Until these documents are received the annual report is considered incomplete.

Thanks,  
Sean

**Sean Bennett**

Regulatory Analyst  
Utilities & Transportation Commission  
PO Box 47250  
Olympia, WA 98504  
360-664-1157  
[sbennett@utc.wa.gov](mailto:sbennett@utc.wa.gov)

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**From:** Bethany Hoffmann [<mailto:bethany.hoffmann@globalcapacity.com>]

**Sent:** Thursday, May 18, 2017 12:13 PM

**To:** Bennett, Sean (UTC) <[sbennett@utc.wa.gov](mailto:sbennett@utc.wa.gov)>

**Cc:** Bethany Hoffmann <[bethany.hoffmann@globalcapacity.com](mailto:bethany.hoffmann@globalcapacity.com)>

**Subject:** RE: GC Pivotal, LLC - Incomplete 2016 Annual Report

Sean,

Please find attached our total company Income Statement and Balance Sheet for 2016. This was the first year I have e-filed the report so I apologize for excluding the documents from the pdf. I will make a note to include them in the future.

If you have any questions or need anything else, please let me know.

Thanks,

**Bethany M. Hoffmann**

Regulatory Compliance Paralegal/Wholesale Contracts Manager

Please note my new office phone number and email address.



**3415 Greystone Drive, Suite 300  
Austin, TX 78731-2365**

**O.** (303) 290-7678 **M.** (512) 897-4225 **F.** (512) 371-6624

**E.** [bethany.hoffmann@globalcapacity.com](mailto:bethany.hoffmann@globalcapacity.com)

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**From:** Bennett, Sean (UTC) [<mailto:sbennett@utc.wa.gov>]  
**Sent:** Thursday, May 18, 2017 2:00 PM  
**To:** Bennett, Sean (UTC) <[sbennett@utc.wa.gov](mailto:sbennett@utc.wa.gov)>  
**Cc:** Bethany Hoffmann <[bethany.hoffmann@globalcapacity.com](mailto:bethany.hoffmann@globalcapacity.com)>  
**Subject:** GC Pivotal, LLC - Incomplete 2016 Annual Report

Dear Regulated Company,

On February 28, 2017 the Utilities and Transportation Commission (commission) sent you an Annual Report. The complete report and fees were due by May 1, 2017.

A review of your annual report received on May 1, 2017 indicates it is incomplete for the following reason:

- WAC 480-120-382 requires regulated telecommunication companies to provide an income statement and balance sheet for the total company. These two documents are required.

The company financials may be submitted via the following:

- Email: please reply with the above requested information or e-mail scanned, corrected Schedule(s) to the address above
- Mail: Utilities and Transportation Commission, PO Box 47250, Olympia, WA 98504
- Filed online: [Electronic Filing](#)

Commission staff may recommend enforcement action, which includes penalties of up to \$100 per day, against any company that did not file a complete annual report by May 1.

If you have any questions about your annual report please call me at (360) 664-1157 or e-mail at [sbennett@utc.wa.gov](mailto:sbennett@utc.wa.gov).

Thank you,  
Sean

**Sean Bennett**

Regulatory Analyst  
Utilities & Transportation Commission  
PO Box 47250  
Olympia, WA 98504  
360-664-1157  
[sbennett@utc.wa.gov](mailto:sbennett@utc.wa.gov)

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