



STATE OF WASHINGTON

UTILITIES AND TRANSPORTATION COMMISSION

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

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June 22, 2016

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. Maxwellton Shores Water Co.*

Commission Staff's Response to Application for Mitigation of Penalties UW-160530

Dear Mr. King:

On June 13, 2016, the Utilities and Transportation Commission issued a \$1,000 Penalty Assessment in Docket UW-160530 against Maxwellton Shores Water Co. for ten violations of Washington Administrative Code (WAC 480-110-505), which requires water companies to furnish annual reports, supporting documentation and the regulatory fee to the commission no later than May 1 each year, or in this case, May 2 as May 1 was a Sunday.

On June 17, 2016, Maxwellton Shores Water Co. wrote the commission requesting mitigation of penalties. In its mitigation request, Maxwellton Shores Water Co. does not dispute the violation occurred. The company states, "...the annual report was mailed to the UTC on March 22, 2016 by first class mail. The report was mailed in a timely fashion. Unfortunatley I had no control of the mail once dropped at the post office and obviously it did not arrive as planned."

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 29, 2016, Annual Report packets were mailed to all regulated water companies. The instructions page informs the regulated company that it must complete the annual report form, provide the supporting financial reporting documents and pay the regulatory fees, and return the materials by May 2, 2016, to avoid enforcement action.

On June 21, Maxwellton Shores Water Co. provided a complete annual report. No regulatory fees were due.

Maxwelton Shores Water Co. has been active since 2003. Maxwellton Shores Water Co. previously missed the deadline for filing its annual report and paying its regulatory fees for the 2013 and 2011 annual reports, the company did not receive mitigation for either of these years.

UTC Annual Reports

June 22, 2016

Page 2

Despite the prior violations of WAC 480-110-505, staff supports the company's request for mitigation due to the recent filing compliance. 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 Sean Bennett, Regulatory Analyst, at (360) 664-1157, or sbennett@utc.wa.gov.

Sincerely,



Sondra Walsh, Director
Administrative Services