

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment Against  NORTHWEST SMOKING & CURING, INC.  in the amount of \$1,000	DOCKET TE-160659  ORDER 01  ORDER GRANTING MITIGATION TO \$250
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**BACKGROUND**

- 1 On February 29, 2016, the Washington Utilities and Transportation Commission (Commission) mailed annual report and regulatory fee forms to all charter and excursion carriers. The forms included a reminder that companies must file their annual reports and pay their regulatory fees by Monday, May 2, 2016, or face penalties of \$100 for each violation of Commission rules. In the case of continuing violations, each day's continuance is a separate violation. RCW 80.04.405.
- 2 Northwest Smoking & Curing, Inc. (Northwest or Company) did not file its annual report on May 2, 2016, and had not made that filing by May 16. On June 9, Northwest filed its annual report and paid the required regulatory fee. On June 21, the Commission assessed a penalty of \$1,000 against Northwest, calculated as \$100 per business day from May 2 to May 16.
- 3 On June 27, 2016, Northwest responded to the Commission's penalty assessment, admitting the violations and requesting mitigation based on the written information provided. The Company explained that it became regulated in 2014, and was confused about annual reporting due dates. The Company mistakenly believed its annual report due date corresponded with the date it became certificated, but has since realized that the due date is uniform for all carriers.
- 4 On July 8, 2016, Commission staff (Staff) filed a response recommending a penalty reduction to \$25 per day, or \$250, because the Company has no prior violations of WAC 480-30-071.

**DISCUSSION**

5 WAC 480-30-071 requires charter and excursion carriers to file annual reports by May 1  
of each year, or the first business day thereafter. Companies are responsible for  
complying with their legal obligations, and the Company should have ensured its report  
was timely filed.

6 The Commission nevertheless agrees with Staff’s recommendation. The Commission  
may consider a number of factors when entertaining a request for mitigation, including  
whether the violation was promptly corrected, a company’s history of compliance, and  
the likelihood the violation will recur.<sup>1</sup> Here, Northwest corrected the violation by filing  
its annual report and paying its regulatory fee prior to receiving the penalty assessment.  
In addition, this is the Company’s first violation of WAC 480-30-071 since it became  
regulated in 2014. Although the Company has a relatively brief history of compliance, we  
have routinely granted mitigation for first time violations. In light of these factors, the  
Commission will exercise its discretion to reduce the penalty to \$250.

**ORDER**

THE COMMISSION ORDERS:

- 7 (1) Northwest Smoking & Curing, Inc.’s request for mitigation of the \$1,000 penalty  
is GRANTED in part, and the penalty is reduced to \$250.
- 8 (2) The \$250 penalty is due and payable no later than July 27, 2016.
- 9 The Secretary has been delegated authority to enter this order on behalf of the  
Commissioners under WAC 480-07-904(1)(h).

DATED at Olympia, Washington, and effective July 13, 2016.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING  
Executive Director and Secretary

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<sup>1</sup> Docket A-120061, Enforcement Policy for the Washington Utilities and Transportation Commission  
(January 7, 2013).

**NOTICE TO PARTIES:** This is an order delegated to the Executive Secretary for decision. As authorized in WAC 480-07-904(3), you must file any request for Commission review of this order no later than 14 days after the date the decision is posted on the Commission's website.