

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment Against	DOCKET TE-160671
2C CAPTAINS, INC.	ORDER 01
in the amount of \$1,000	ORDER GRANTING MITIGATION TO \$500

**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 2C Captains, Inc. (2C Captains or Company) filed an incomplete annual report on May 2, 2016, and had not made a complete filing by May 16. On May 19, 2C Captains filed a complete annual report. On June 20, the Commission assessed a penalty of \$1,000 against 2C Captains, calculated as \$100 per business day from May 2 to May 16.
- 3 On June 27, 2016, 2C Captains responded to the Commission's penalty assessment, admitting the violations and requesting mitigation based on the written information provided. The Company explained that it inadvertently omitted information on its annual report form, which has since been corrected.
- 4 On July 8, 2016, Commission staff (Staff) filed a response recommending the Commission deny the mitigation request because the Company received and paid a reduced penalty of \$250 in 2015 for 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 complete when filed.

6 The Commission will nevertheless exercise its discretion to assess a reduced penalty of \$500 due to the circumstances presented here. 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> Although 2C Captains received and paid a \$250 penalty for violations of WAC 480-30-080 in 2015, the Company corrected the violations at issue here prior to receiving the penalty assessment, and made a good faith effort to file its annual report on the due date. In light of these factors, we believe a reduced penalty of \$500 – which is still greater than the previous penalty – is appropriate.

**ORDER**

THE COMMISSION ORDERS:

- 7 (1) 2C Captain Inc.'s request for mitigation of the \$1,000 penalty is GRANTED in part, and the penalty is reduced to \$500.
- 8 (2) The \$500 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

**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.**

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