

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment
Against

COMPASS HOLIDAYS, INC.

in the amount of \$900

DOCKET TE-160692

ORDER 01

ORDER GRANTING MITIGATION

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 Compass Holidays, Inc. (Compass or Company) filed an incomplete annual report on May 3, 2016, and did not make a complete filing until May 13. On June 20, the Commission assessed a penalty of \$900 against Compass, calculated as \$100 per business day from May 2 to May 12.
- 3 On July 1, Compass responded to the Commission's penalty assessment and requested mitigation based on the written information provided. The Company explained that it submitted its annual report and paid its regulatory fee on May 2, 2016. Because the Company made no interstate trips, it left the interstate mileage field of the form blank. The Company submitted a complete annual report on May 13.
- 4 On July 18, 2016, Commission staff (Staff) filed a response recommending the Commission grant the Company's request for mitigation because the Company attempted to file its annual report by the deadline and 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 complete when 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.¹ Here, Compass timely paid its regulatory fee,
made a good faith effort to file its annual report by the due date, and has since corrected
the violation by filing a complete report. In addition, this is the Company's first violation
of WAC 480-30-071 since it became regulated in 2012. In light of these factors, the
Commission will exercise its discretion to grant full mitigation of the penalty.

ORDER

THE COMMISSION ORDERS:

7 (1) Compass Holiday, Inc.'s request for mitigation of the \$900 penalty is GRANTED.

8 (2) No penalty is due.

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 August 9, 2016.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING
Executive Director and Secretary

¹ 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.