



STATE OF WASHINGTON

UTILITIES AND TRANSPORTATION COMMISSION

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

(360) 664-1160 • TTY (360) 586-8203

July 19, 2017

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. NW Navigator Luxury Coaches LLC*

Commission Staff's Response to Application for Mitigation of Penalties TE-170633

Dear Mr. King:

On June 21, 2017, the Utilities and Transportation Commission issued a \$1,000 Penalty Assessment in Docket TE-170633 against NW Navigator Luxury Coaches, LLC (NWNLC) for 10 violations of Washington Administrative Code (WAC 480-30-071 and 480-30-076), which requires charter and excursion companies to furnish annual reports and the regulatory fee to the commission no later than May 1 each year.

On July 3, 2017, NWNLC wrote the commission requesting mitigation of penalties. In its mitigation request, NWNLC does not dispute the violation occurred. The company states, "... we suffered a huge loss when our operations manager/dispatcher (who among many duties also collects the mail, and is in charge of forms and filings) was involved in a dirt bike accident and suffered a traumatic brain injury. He is still out as he has suffered memory loss and still cannot recall the events of yesterday. It has taken us until now to fill part of his first position with a new dispatcher. I would like to request a reduction in the penalty, as soon as I discovered the failure to report, I immediately rectified on our end, and paid."

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 28, 2017, Annual Report packets were sent to all regulated charter and excursion companies. The instructions page informs the regulated company that it must complete the annual report form and pay the regulatory fees, and return the materials by May 1, 2017, to avoid enforcement action.

The company filed their complete annual report on June 14, 2017 and the regulatory fee was paid on June 19.

The Commission will only grant mitigation if the violations occurred due to circumstances beyond the company's control. NWNLC illustrated that the individual responsible for filing the report experienced a severe and long-lasting medical condition that continues to be ongoing. This ongoing and serious event was beyond the company's control. Additionally, NWNLC filed the annual report and paid the regulatory fee prior to receiving the penalty assessment. In consideration of the information above, staff supports the company's request for mitigation and recommends the penalty be waived.

If you have any questions regarding this recommendation, please contact Sean Bennett, Regulatory Analyst, at (360) 664-1157, or [sbennett@utc.wa.gov](mailto:sbennett@utc.wa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Mark L. Johnson". The signature is fluid and cursive, written over a light blue horizontal line.

Mark L. Johnson, Director  
Administrative Services