

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment)	DOCKET TE-141076
Against)	
)	ORDER 01
ROCKET ENTERPRISES, LLC)	
)	ORDER GRANTING
in the amount of \$1,000)	MITIGATION TO \$200
.....)	

BACKGROUND

- 1 Washington law requires charter and excursion carriers to file annual reports by May 1 of each year. WAC 480-30-071. On November 23, 2013, the Washington Utilities and Transportation Commission (Commission) mailed a letter to all charter and excursion carriers explaining that it recently adopted a rule changing the annual report due date for those carriers from December 31 to May 1. Regulatory fees remain due on December 31. On February 28, 2014, the Commission mailed annual report forms to all charter and excursion carriers. The forms included a reminder that companies must file their annual reports by May 1, 2014, 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 Rocket Enterprises timely paid its regulatory fee, but did not file its annual report on May 1, 2014, and had not made that filing by May 15. On May 27, the Commission assessed a penalty of \$1,000 against Rocket Enterprises, calculated as \$100 per business day from May 1 to May 15.
- 3 On June 11, 2014, Rocket Enterprises responded to the Commission’s penalty assessment admitting the violations and requesting mitigation of the penalty based on the written information provided. The Company explained that it recently changed office locations, and the reports – which the Company believed it had filed – were misplaced in the move.
- 4 On June 25, 2014, Commission Staff (Staff) filed a response recommending a penalty reduction to \$100 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. Companies are responsible for complying with their legal obligations, and the Company should have been aware of the need to file its annual report.
- 6 The Commission agrees with Staff's recommendation to reduce the penalty, but differs with regard to the amount. The Commission may consider a number of factors when entertaining a request for mitigation, including a company's history of compliance, whether the violation was promptly corrected, and the likelihood the violation will recur. This is Rocket Enterprises' first violation of WAC 480-30-071. The Company timely paid its regulatory fee, and has since filed its annual report. Additionally, the Company has been regulated since 2007; given the Company's history of compliance, the violation is not likely to recur.
- 7 The Commission has consistently granted partial mitigation to companies with no prior violations of WAC 480-30-071 by reducing their penalties from \$1,000 to \$200. Because we are unwilling to grant Rocket Enterprises additional leniency not afforded to other, similarly situated companies, the Commission will exercise its discretion to reduce the penalty to \$200.

ORDER

THE COMMISSION ORDERS:

- 8 (1) The request of Rocket Enterprises, LLC for mitigation of the \$1,000 penalty is GRANTED in part, and the penalty is reduced to \$200.
- 9 (2) The penalty is due and payable no later than July 31, 2014.

10 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 17, 2014.

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. The Commission will grant a late-filed request for review only on a showing of good cause, including a satisfactory explanation of why the person did not timely file the request. A form for late-filed requests is available on the Commission's website.