

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment	)	DOCKET UT-150835
Against	)	
	)	ORDER 01
PACIFIC CARRIAGE LIMITED	)	
	)	ORDER GRANTING
in the amount of \$1,000	)	MITIGATION TO \$250
.....	)	

**BACKGROUND**

- 1 Washington law requires regulated telecommunications companies to file annual reports and pay regulatory fees by May 1 of each year. WAC 480-120-382. On February 27, 2015, the Washington Utilities and Transportation Commission (Commission) mailed annual report and regulatory fee forms to all regulated telecommunications companies. The forms included a reminder that companies must file their annual reports and pay their regulatory fees by May 1, 2015, 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 Pacific Carriage Limited (Pacific Carriage or Company) did not file its annual report on May 1, 2015, and had not made that filing by May 15. On June 4, the Commission assessed a penalty of \$1,000 against Pacific Carriage, calculated as \$100 per business day from May 1 to May 15.
- 3 On July 12, 2015, Pacific Carriage filed a complete annual report. On July 20, Pacific Carriage responded to the Commission’s penalty assessment, admitting the violations and requesting mitigation based on the written information provided. The Company explained that it mailed its annual report on March 6, 2015, from New Zealand, but is unable to provide proof of mailing.
- 4 On July 27, 2015, 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 480-120-382. Staff also recommended the Company utilize the Commission’s online annual report filing process because of the potential for delay when reports are sent by international mail.

**DISCUSSION**

5 WAC 480-120-382 requires regulated telecommunications companies to file annual reports and pay regulatory fees by May 1 of each year. Companies are responsible for complying with their legal obligations, and the Company should have ensured its annual 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 and the likelihood the violation will recur.<sup>1</sup> Here, Pacific Carriage has since filed its annual report. In addition, this is the Company's first violation of WAC 480-30-071 since it became regulated in 2012. 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) Pacific Carriage Limited'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 August 14, 2015.

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 31, 2015.

**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).