

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment)	DOCKET TG-150970
Against)	
)	ORDER 01
NORTHWEST LIQUID TRANSPORT 1,)	
INC.)	ORDER GRANTING MITIGATION
)	TO \$250
in the amount of \$1,000)	
.....)	

BACKGROUND

- 1 Washington law requires solid waste companies to file annual reports and pay regulatory fees by May 1 of each year. WAC 480-70-071. On February 27, 2015, the Washington Utilities and Transportation Commission (Commission) mailed annual report and regulatory fee packets to all solid waste 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 81.04.405.
- 2 Northwest Liquid Transport 1, Inc. (Northwest Liquid Transport or Company) did not file its annual report on May 1, 2015, and had not made that filing by May 15. On May 26, the Commission assessed a penalty of \$1,000 against Northwest Liquid Transport, calculated as \$100 per business day from May 1 to May 15.
- 3 On June 8, 2015, Northwest Liquid Transport filed a complete annual report. On July 27, 2015, Northwest Liquid Transport responded to the Commission’s penalty assessment, admitting the violations and requesting mitigation based on the written information provided. The Company explained that it was unaware of the due date for its annual report, and that it came into compliance the same day it received the penalty assessment. Also on July 27, Northwest Liquid Transport paid the \$1,000 penalty in full.
- 4 On July 29, 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 480-30-071.

DISCUSSION

- 5 WAC 480-70-071 requires solid waste companies 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 an annual report.

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, Northwest Liquid Transport filed its annual report as soon as it became aware of the violation. In addition, this is the Company's first violation of WAC 480-30-071 since it became regulated in 2009. Given the Company's history of compliance, the violations are unlikely to recur. In light of these factors, the Commission will exercise its discretion to reduce the penalty to \$250.

ORDER

THE COMMISSION ORDERS:

- 7 (1) Northwest Liquid Transport 1, Inc.'s request for mitigation of the \$1,000 penalty is GRANTED in part, and the penalty is reduced to \$250.
- 8 (2) The Commission shall promptly refund \$750 of the \$1,000 payment received on July 27, 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.

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