

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment Against	DOCKET UT-160579
ORIGIN NETWORKS, LLC	ORDER 01
in the amount of \$700	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 regulated telecommunications companies. 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 Origin Networks, LLC (Origin or Company) filed its annual report and paid the required regulatory fee on May 11, 2016. On June 15, the Commission assessed a penalty of \$700 against Origin, calculated as \$100 per business day from May 2 to May 10.
- 3 On June 20, 2016, Origin responded to the Commission's penalty assessment, admitting the violations and requesting mitigation based on the written information provided. In its response, the Company states, "Filing late was due to an accident sustained by (myself) the companies Regulatory Representative. Which due to such unforeseen accident (where I broke my face) and I was hospitalized and unable to file on time, but did file as soon as I was able to, which was on 5/11/2016. I would ask for waiver of such penalties, due to our perfect and longtime historical standing of timely filings and payments."
- 4 On August 4, 2016, Commission staff (Staff) filed a response recommending a penalty reduction to \$25 per day, or \$175. Although the Company became regulated in 2015, Staff notes that its regulatory representative filed an annual report for another regulated company, and is well aware of the Commission's filing requirements. Nevertheless, Staff supports Origin's request for mitigation because it introduced new information related to its employee's serious accident.

**DISCUSSION**

- 5 WAC 480-120-382 requires regulated telecommunications companies to file annual reports and pay regulatory fees 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 timely filed despite the unavailability of the employee primarily responsible for its filing.
- 6 The Commission will nevertheless exercise its discretion to grant the Company's request for mitigation. 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.<sup>1</sup> Here, Origin corrected the violation by filing its annual report and paying its regulatory fee prior to receiving the penalty assessment. In addition, the Company introduced information related to a serious injury sustained by the employee responsible for making the filing. In light of these factors, the Commission will exercise its discretion to mitigate the penalty in full.

**ORDER**

THE COMMISSION ORDERS:

- 7 (1) Origin Networks, LLC's request for mitigation of the \$700 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 12, 2016.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING  
Executive Director and Secretary

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<sup>1</sup> 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.