

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In re Penalty Assessment No.)	DOCKET NO. UT-041430
UT-041430)	
)	ORDER NO. 01
)	
PRIORITY TERABIT, INC.)	
)	ORDER GRANTING
)	MITIGATION
.....)	

- 1 On September 2, 2004, the Commission issued a penalty assessment against Priority Terabit, Inc., in the amount of \$100 for one violation of WAC 480-120-303, which requires competitively classified companies to file annual reports and pay regulatory fees to the Commission no later than May 1 of each year.

- 2 On September 10, 2004, James K. Wilson, on behalf of Priority Terabit, filed a timely petition for mitigation of the penalty assessment. The petition does not seek a hearing and does not request a hearing to contest the factual basis of the penalties. The Company provided information regarding the extenuating circumstances that caused the 2003 annual report to be filed late.

- 3 On September 21, 2004, Commission Staff responded to the petition, recommending that the violation be fully mitigated. The Staff response indicates that the Company statement is accurate and that the responsibility for Respondent's delayed filing lies in part with the Commission.

ORDER

- 4 The Commission grants the petition of Priority Terabit, Inc. In doing so, the Commission mitigates to zero the penalty assessed in the total amount of \$100.

DATED at Olympia, Washington, and effective this 11th day of October, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner

NOTICE TO PARTIES: This is a final order of the Commission. In addition to judicial review, administrative relief may be available through a petition for reconsideration, filed within 10 days of the service of this order pursuant to RCW 34.05.470 and WAC 480-07-850, or a petition for rehearing pursuant to RCW 80.04.200 or RCW 81.04.200 and WAC 480-07-870.