

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment	)	DOCKET UT-120992
Against	)	
	)	ORDER 01
NORLIGHT, INC.,	)	
	)	ORDER VACATING PENALTY
in the amount of \$2,100.	)	AMOUNT AND REASSESSING
	)	MITIGATED PENALTY
.....	)	

**MEMORANDUM**

- 1 **Penalty.** On July 31, 2012, the Washington Utilities and Transportation Commission (Commission) assessed a penalty of \$2,100 against Norlight, Inc. (Norlight or Company), for violations of Washington Administrative Code (WAC) 480-120-382. This rule requires competitively classified telecommunications companies to file annual reports with the Commission by May 1 each year. Norlight failed to timely file its annual report.
- 2 Norlight filed its annual report with the Commission on May 4, 2012. However, the Commission’s financial services staff did not process the Company’s filing correctly, and the Commission’s records were not updated to reflect the filing on that date.
- 3 On July 31, 2012, the Commission assessed a penalty of \$2,100 for Norlight’s failure to file its annual report. The Commission’s policy for late-filing companies who submitted their reports before May 25, 2012, was to assess a penalty using the rate of \$25 per day. However, Norlight’s penalty was calculated at a higher rate of \$100 per day as authorized by statute, with the total penalty capped at \$2,100.
- 4 **Mitigation Request.** On August 10, 2012, Norlight filed an Application for Mitigation on a form provided by the Commission and also provided an explanatory letter. The Company admitted the late filing but claimed that its penalty amount should be adjusted to \$75 consistent with the calculation of \$25 per day for three days. Norlight supported its claim with copies of an e-file confirmation receipt showing it had filed its annual report with the Commission on May 4, 2012. Norlight’s letter enclosed payment of \$75.

- 5     **Commission Staff Support for Mitigation.** Commission Staff filed a Response to the Company's letter on December 4, 2012. Staff confirms that Norlight filed its annual report only three days late, on May 4, 2012, and that the appropriate penalty should have been \$75, not \$2,100.
- 6     **Commission Determination.** Norlight failed to file its annual report before the deadline of May 1, 2012, but made the required filing on May 4, 2012. Accordingly, the Commission should have assessed a penalty only for the three days the filing was late. The Commission, therefore, vacates the \$2,100 penalty assessment and reassesses a mitigated penalty against Norlight of \$75, which the Company has already paid.

**ORDER**

THE COMMISSION ORDERS THAT:

- 7     (1)     The penalty of \$2,100 assessed against Norlight, Inc., is vacated, and the Company is reassessed a mitigated penalty of \$75.
- 8     (2)     The Commission delegates to its Secretary authority to enter this Order on behalf of the Commissioners under WAC 480-07-904(1)(h).

DATED at Olympia, Washington, and effective December 13, 2012.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER  
Executive Director and Secretary

**NOTICE TO PARTIES:** This is an order delegated to the Executive Secretary for decision. Under WAC 480-07-904(3), you may seek Commission review of this decision. In addition to serving you a copy of the decision, the Commission will post on its Internet Web site for at least 14 days a listing of all matters delegated to the Executive Secretary for decision under WAC 480-07-904(1). You must file a request for Commission review of this order no later than

**fourteen (14) days after the date the decision is posted on the Commission's Web site. The Commission will schedule your request for review for consideration at a regularly scheduled open meeting. The Commission will notify you of the time and place of the open meeting at which the Commission will review the order.**

**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 Web site.**