

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment)	DOCKET UW-120865
Against)	
)	ORDER 01
GREEN MOUNTAIN H2O,)	
)	ORDER PARTIALLY
in the amount of \$2,100.00.)	SUSPENDING PENALTY,
)	SUBJECT TO CONDITION
.....)	

MEMORANDUM

- 1 **Penalty.** On July 13, 2012, the Washington Utilities and Transportation Commission (Commission) assessed a penalty of \$2,100 against Green Mountain H2O (Green Mountain), for violations of Washington Administrative Code (WAC) 480-110-505. This rule requires water companies to file annual reports with the Commission by May 1 each year.

- 2 On February 29, 2012, the Commission mailed Annual Report forms and Regulatory Fee packets to all regulated water companies as required by WAC 480-110-505. On May 14, 2012, the Commission mailed a letter to companies that had not yet filed an annual report notifying them that they had incurred, as of that date, a penalty of \$800. The letter explained that companies who filed their annual reports no later than May 25, 2012, would receive mitigated penalties of \$25 per day, with an additional \$25 per day assessed for each instance in the previous five years that the company received a penalty for filing a late report.

- 3 Green Mountain filed its 2011 annual report on June 27, 2012. This is 57 days late, making the company liable for a penalty of up to \$5,700, as provided in RCW 80.04.405. Green Mountain became regulated in April 2009 and this is the first instance of the Company filing a delinquent annual report. The Commission exercised its discretion to impose less than the maximum penalty and assessed a penalty of \$2,100.

4 **Mitigation Request.** On October 18, 2012, the company filed a letter requesting that the penalty be waived. In its letter, Green Mountain does not dispute that the violation occurred. Instead, the company states that it is working with its accountant “to make sure this will not happen again.”

5 **Commission Staff Opposition to Mitigation.** Commission Staff filed a Response to the Green Mountain’s request on November 8, 2012. Staff opposes waiving or mitigating the assessed penalty because the company failed to establish any mitigating circumstances to explain or excuse its failure to timely file its annual report.

6 **Commission Determination.** The Commission determines that it will not waive the penalty but will mitigate the penalty to the extent of suspending \$600 of the \$2,100 penalty amount, subject to the condition that Green Mountain files its 2012 annual report by May 1, 2013. If the company fails to timely file its 2012 annual report, the suspended penalty of \$600 will become due without further action by the Commission. An additional penalty may be assessed for any late filing of the 2012 annual report.

7 This decision is based on Green Mountain’s pledge to make sure that its annual reports are timely filed in the future. The Commission’s primary goal in reaching its determination is to promote future compliance. Both the assessed penalty now due and the suspended penalty support this goal.

ORDER

THE COMMISSION ORDERS THAT:

8 (1) The penalty of \$2,100 assessed against Green Mountain, Inc., on July 13, 2012, is suspended in the amount of \$600 subject to the condition that Green Mountain files its 2012 annual report by May 1, 2013. If the company fails to timely file its 2012 annual report, the suspended penalty will become due without further action by the Commission.

- 9 (2) The unsuspended portion of the penalty amount of \$2,100 assessed against Green Mountain H2O on July 13, 2012, (*i.e.*, \$1,500), is due and payable to the Commission within 30 days following the date of this Order.
- 10 (3) 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 4, 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.