

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

In the Matter of a Penalty Assessment)	DOCKET TE-100277
Against)	
)	ORDER 01
Travel NW Style, LLC,)	
)	ORDER DENYING
in the amount of \$100.00.)	MITIGATION; REQUIRING
.....)	PAYMENT OF PENALTY

1 **Penalty.** On February 19, 2010, the Washington Utilities and Transportation Commission (Commission) assessed a penalty in Docket TE-100277 in the amount of \$100 against Travel NW Style, LLC (Travel NW Style or Company), for violations of Washington Administrative Code (WAC) 480-30-071. This rule requires charter and excursion companies to file annual reports with the Commission by December 31 each year. The Commission advised Travel NW Style that it was required to act within 15 days of receiving the notice either to pay the amount due, request a hearing to contest the alleged violation, or request mitigation to contest the amount of the penalty. The Penalty Assessment was served on Travel NW Style by certified mail on February 22, 2010.¹

2 **Mitigation Request.** On February 22, 2010, Travel NW Style sent a letter to the Commission admitting the violations but seeking mitigation. The Commission received a hard copy of the letter on Wednesday, February 24, 2010.

3 In its letter, Travel NW Style acknowledged that it had filed its annual report late but wanted “to request a lesser penalty assessment based on our report being postmarked 1 day later than the deadline of January 29, 2010.” The letter went on to explain how the Company placed their report in a mailbox late in the afternoon of January 29, 2010, but that they must have missed the 5:30 p.m. pickup at that mailbox and thereby

¹ The Commission received the signed certified card on February 24, 2010, indicating the Company’s receipt of the Penalty Assessment.

missed the opportunity for that day's postmark. The letter also explained that the one-year-old Company's finances are very limited.

4 **Commission Staff Opposition to Mitigation.** Commission Staff filed a Response opposing Travel NW Style's request for mitigation on March 4, 2010. Staff focused its response on the Company having more than sufficient time to file its annual report but nevertheless filing a day late. Therefore, Commission Staff opposes and mitigation in this case.

5 Commission Staff points out that on November 3, 2009, an annual report packet was mailed to Travel NW Style with a cover letter explaining that annual reports and any associated regulatory fees were due by December 31, 2009. The letter explained the option of requesting an extension of time and the potential penalty of \$100 per day for failure to file the required annual report by the deadline. Travel NW Style did not request an extension and did not timely file their annual report.

6 Commission Staff also notes that on January 15, 2010, the Commission sent a letter to Travel NW Style identifying them as delinquent in filing their annual report and offering an additional two weeks to file a report and avoid enforcement action. Travel NW Style did not take prompt action to file their annual report. By the Company's own admission, they waited until after normal business hours on the deadline date of January 29, 2010, to make an attempt to place their annual report in a mailbox and obtain the requisite postmark.

7 **Commission Decision.** The Commission denies Travel NW Style's request for mitigation. There is no question that the Company did not meet the initial deadline to file its annual report by December 31, 2009. There is also no question that the Company failed to meet the grace period deadline of having its annual report postmarked by January 29, 2010.

8 We recognize that Travel NW Style's annual report missed this extended deadline by only a single day. However, the Company had at least two weeks' notice of this extended deadline and apparently waited until the last minute to attempt to mail their annual report to the Commission. The circumstances described in the Company's letter requesting mitigation do not provide a justification for failing to meet the annual report filing deadline.

- 9 The \$100 penalty assessed by the Commission is due and payable within 15 days of the date of this Order. In order to minimize the potential financial impact, Travel NW Style may choose to make two equal installment payments to satisfy its obligation. If the Company so chooses, it must include such a request with its first payment of \$50 and ensure the final payment of \$50 is received by the Commission no later than 60 days after the date of this Order.
- 10 It is so ordered.
- 11 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 March 15, 2010.

WASHINGTON STATE 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.