



STATE OF WASHINGTON

UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250

(360) 664-1160 • TTY (360) 586-8203

July 8, 2016

Steven V. King, Executive Director and Secretary
Utilities and Transportation Commission
1300 S. Evergreen Park Dr. SW
P.O. Box 47250
Olympia, WA 98504-7250

RE: *Washington Utilities and Transportation Commission v. Northwest Smoking & Curing, Inc.*

Commission Staff's Response to Application for Mitigation of Penalties TC-160659

Dear Mr. King:

On June 21, 2016, the Utilities and Transportation Commission issued a \$1,000 Penalty Assessment in Docket TC-160659 against Northwest Smoking & Curing, Inc. for ten violations of Washington Administrative Code (WAC 480-30-071 and 480-30-076), which requires both auto transportation companies and charter and excursion carrier companies to furnish annual reports and the regulatory fee to the commission no later than May 1 each year, or in this case, May 2 as May 1 was a Sunday.

On June 27, 2016, Northwest Smoking & Curing, Inc. wrote the commission requesting mitigation of penalties. In its mitigation request, Northwest Smoking & Curing, Inc. does not dispute the violation occurred. The company states, "...our company is relatively new and due to the time of our certification (auto transportation in mid 2014 and charter and excursions in 2015) we have only completed one annual report before this one. On our first report, we learned that it was not due until May 2015 and we submitted and paid our 2014 annual report on time. We misunderstood the due dates, thinking that the reporting was keeping with our individual time of certification, and thus we would report at the end of May. We submitted our report in June, thinking we were on time. Had we read the report form itself, we would have realized that the date is standard and applies to all certified carriers. We request the mitigation as a fine of \$1,000 would be detrimental to a business still trying to get on its feet."

It is the company's responsibility to ensure that the regulatory fee is paid and the annual report is filed by the May 1 deadline. On February 29, 2016, Annual Report packets were mailed to all regulated auto transportation companies and charter and excursion carrier companies. The instruction page informs the regulated company that it must complete the annual report form and pay the regulatory fees, and return the materials by May 2, 2016, to avoid enforcement action.

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The commission did not receive the annual report, nor the regulatory fee prior to May 2. On June 9, the Commission received a complete annual report and payment of the outstanding regulatory fee.

Northwest Smoking & Curing, Inc. has been active since 2014 and filed their 2014 annual report on time. As the company previously filed on time and is a newer company, it is staffs recommendation that the penalty be reduced to \$25 per day for a total penalty assessment of \$250.

If you have any questions regarding this recommendation, please contact Sean Bennett, Regulatory Analyst, at (360) 664-1157, or sbennett@utc.wa.gov.

Sincerely,



Sondra Walsh, Director
Administrative Services