



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

June 28, 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. Kush Tourism, LLC*

Commission Staff's Response to Application for Mitigation of Penalties TE-160707

Dear Mr. King:

On June 21, 2016, the Utilities and Transportation Commission issued a \$1,000 Penalty Assessment in Docket TE-160707 against Kush Tourism, LLC for ten violations of Washington Administrative Code (WAC 480-30-071 and 480-30-076), which requires charter and excursion carrier companies to furnish annual reports, supporting documentation 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 22, 2016, Kush Tourism, LLC wrote the commission requesting mitigation of penalties. In its mitigation request, Kush Tourism, LLC does not dispute the violation occurred. The company states, "...this spring we received a new entrant inspection, and during the inspection process we also filed our annual report through the mail. We received this notice yesterday and immediately filed the report again, we'd like to mitigate the penalty because we believe we have already filed the report. Additionally, our operation is very small with only one vehicle that has a maximum tour size of 6 people with 2-3 tours per week. This penalty puts a major strain on our company's cash flow."

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 telecommunications companies. The instructions page along with Schedule 1, Part A informs the regulated company that it must complete the annual report form, provide the supporting financial reporting documents and pay the regulatory fees, and return the materials by May 2, 2016, to avoid enforcement action.

UTC Annual Reports

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The commission did not receive the annual report, nor the regulatory fee in any form prior to May 2. On June 23, the Commission received a complete annual report and payment of the outstanding regulatory fee.

Kush Tourism, LLC 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](mailto:sbennett@utc.wa.gov).

Sincerely,



Sondra Walsh, Director  
Administrative Services