

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

|                                       |   |                           |
|---------------------------------------|---|---------------------------|
| In the Matter of a Penalty Assessment | ) | DOCKET TC-150978          |
| Against                               | ) |                           |
|                                       | ) | ORDER 01                  |
| SANI MAHAMA MAUROU d/b/a              | ) |                           |
| SEATAC AIRPORT 24                     | ) | ORDER DENYING REQUEST FOR |
|                                       | ) | HEARING; GRANTING         |
| in the amount of \$1,000              | ) | MITIGATION TO \$250       |
| .....                                 | ) |                           |

**BACKGROUND**

- 1 Washington law requires auto transportation companies to file annual reports and pay regulatory fees by May 1 of each year. WAC 480-30-071. On February 27, 2015, the Washington Utilities and Transportation Commission (Commission) mailed annual report and regulatory fee packets to all auto transportation companies. The forms included a reminder that companies must file their annual reports and pay their regulatory fees by May 1, 2015, or face penalties of \$100 for each violation of Commission rules. In the case of continuing violations, each day’s continuance is a separate violation. RCW 80.04.405.
- 2 Sani Mahama Maurou d/b/a SeaTac Airport 24 (SeaTac Airport 24 or Company) did not file its annual report by May 1, 2015, and had not made that filing by May 15. On May 22, the Commission assessed a penalty of \$1,000 against SeaTac Airport 24, calculated as \$100 per business day from May 1 to May 15.
- 3 On June 15, 2015, SeaTac Airport 24 responded to the Commission’s penalty assessment. The Company requested a hearing, but neither admitted nor contested the violations. In its request, the Company explained that it is a new, financially unstable company, and was unaware of the annual report filing requirement until it received the penalty assessment. The Company stated that it has also missed some correspondence due to its recent change of address.

**DISCUSSION**

- 4 WAC 480-30-071 requires auto transportation companies to file annual reports and pay regulatory fees by May 1 of each year. Companies are responsible for complying with their legal obligations, and the Company should not rely on reminders from the

Commission to ensure compliance. Moreover, it is the Company's responsibility to advise the Commission of a change in address.

- 5 As a preliminary matter, we deny the Company's request for a hearing. The Commission's penalty assessment advised the Company that a request for hearing will only be granted if material issues of law or fact require consideration of evidence and resolution in hearing. Here, no issues of law or fact are in dispute. The Company admits that it did not know about or receive the annual report packet mailed by the Commission, and admits that it has not yet filed its annual report. The facts, therefore, are undisputed, and the law is clear. Accordingly, the Company's request for a hearing is denied.
- 6 We will, however, construe the Company's submission as a request for mitigation and assess a reduced penalty. The Commission may consider a number of factors when entertaining a request for mitigation, including whether the violation was promptly corrected and the likelihood the violation will recur.<sup>1</sup> Although SeaTac Airport 24 has not yet corrected the violations, the Company provided assurances in its request for mitigation that it will file its annual report "as soon as this matter is cleared." The Company should note that the Commission strongly prefers that companies come into compliance prior to requesting mitigation. Because we have granted mitigation to similarly situated companies in their first year of operation, however, the Commission will exercise its discretion to reduce the penalty to \$250 conditioned on the Company filing its complete annual report and pays its regulatory and late payment fees no later than ten days from the date of this order. If the Company fails to file a complete annual report and pays its regulatory and late payment fees by that date, the remaining \$750 penalty will immediately become due and payable without further action by the Commission.

## **ORDER**

### **THE COMMISSION ORDERS:**

- 7 (1) Sani Mahama Maurou d/b/a SeaTac Airport 24's request for a hearing is **DENIED**.
- 8 (2) Sani Mahama Maurou d/b/a SeaTac Airport 24's request for mitigation is **GRANTED**, in part, and the penalty is reduced to \$250 conditioned on Sani Mahama Maurou d/b/a SeaTac Airport 24 filing a complete annual report and paying its regulatory and late payment fees no later than June 29, 2015. If Sani Mahama Maurou d/b/a SeaTac Airport 24 fails to complete its filing by that date,

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<sup>1</sup> Docket A-120061, Enforcement Policy for the Washington Utilities and Transportation Commission (January 7, 2013).

the remaining \$750 penalty will become due and payable on June 30, 2015, without further action by the Commission.

9 (3) The \$250 penalty is due and payable no later than June 29, 2015.

10 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 June 17, 2015.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING  
Executive Director and Secretary

**NOTICE TO PARTIES: This is an order delegated to the Executive Secretary for decision. As authorized in WAC 480-07-904(3), you must file any request for Commission review of this order no later than 14 days after the date the decision is posted on the Commission's website.**