



STATE OF WASHINGTON

UTILITIES AND TRANSPORTATION COMMISSION

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

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August 4, 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. Spokane Winery Tours, LLC*

Commission Staff's Response to Application for Mitigation of Penalties TE-160729

Dear Mr. King:

On June 22, 2016, the Utilities and Transportation Commission issued a \$1,000 Penalty Assessment in Docket TE-160729 against Spokane Winery Tours, 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 July 27, 2016, Spokane Winery Tours, LLC wrote the commission requesting mitigation of penalties. In its mitigation request, Spokane Winery Tours, LLC does not dispute the violation occurred. The company states, "...Spokane Winery Tours is a very small family owned/operated company. Owners Dustin and Alicia Lindner both have full time employment outside of this company. On November 22, 2015, our home burned to the ground due to the windstorms. All documentation and information regarding the LLC was lost. This hardship has affected all aspects of our lives. Our family, including 4 young children became homeless in an instant and faced a multitude of decisions and trials as we focused on finding temporary living quarters suitable for our special needs child. Through this time, we were able to maintain full employment and keep our children in their home school district in a desperate attempt to keep our world as stable as possible. We have since found permanent housing and have worked diligently on creating an environment for our children to feel safe and secure. This above all else is a parent's first priority. However, to do this we allowed other priorities to fall second, and as such, the business of Spokane Winery Tours was not handled with true professionalism and attention."

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 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.

Spokane Winery Tours, LLC has not submitted the complete annual report nor the regulatory fee that was due on May 2, 2016.

Spokane Winery Tours, LLC has been active since 2013 and previously filed their 2014 annual report late. Spokane Winery Tours, LLC ultimately paid the penalty in full. With a recent violation of WAC 480-30-071 and 480-30-076, mitigation would not typically be recommended. However, in light of the hardship experienced by the owners of Spokane Winery Tours, LLC, it is staff's recommendation that the penalty be reduced to \$25 per day for a total penalty assessment of \$250 if, and only if, Spokane Winery Tours, LLC provides a complete annual report and pays the regulatory fee by August 31, 2016.

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