



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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July 27, 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. Wineries Express, LLC*

Commission Staff's Response to Application for Mitigation of Penalties TE-160734

Dear Mr. King:

On June 22, 2016, the Utilities and Transportation Commission issued a \$1,000 Penalty Assessment in Docket TE-160734 against Wineries Express, L 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 14, 2016, Wineries Express, LLC wrote the commission requesting mitigation of penalties. In its mitigation request, Wineries Express, LLC does not dispute the violation occurred. To summarize, the company ultimately states that they are a one-man company specializing in wine tours. As such, the owner completes all of the necessary tasks associated with the business in addition to another job. The annual report was received and set aside for completion at a later date. Any cash flow is typically reinvested into the company to help develop the business. The penalty amount relative to the size of the company is extreme and absurd. There are rules in place but hope that this agency recognizes some humanity and effort by an ordinary citizen to make it on his own and that in these types of situations those rules should be different and less severe.

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.

Wineries Express, LLC submitted the complete annual report on May 14, 2016.

UTC Annual Reports

July 27, 2016

Page 2

Wineries Express, LLC has been active since 2013 and previously filed on time. As the company provided the annual report prior to the issuance of the penalty assessment and Wineries Express, LLC does not have any previous violations of WAC 480-30-071 and 480-30-076, staff recommends 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