



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 19, 2017

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. Peninsula Brew Tours, LLC*

Commission Staff's Response to Application for Mitigation of Penalties TE-170635

Dear Mr. King:

On June 21, 2017, the Utilities and Transportation Commission issued a \$1,000 Penalty Assessment in Docket TE-170635 against Peninsula Brew Tours, LLC for 10 violations of Washington Administrative Code (WAC 480-30-071 and 480-30-076), which requires charter and excursion companies to furnish annual reports and the regulatory fee to the commission no later than May 1 each year.

On July 3, 2017, Peninsula Brew Tours, LLC wrote the commission requesting mitigation of penalties. In its mitigation request, Peninsula Brew Tours, LLC does not dispute the violation occurred. The company states, "...we are a small company which operates one vehicle and less than \$3500 in annual profit. While we do admit and recognize that the annual report is our responsibility we simply overlooked the submission this year. We have also identified that email addresses listed by your organization are not received by our mail server (Yahoo). We have a great history of no compliance issues and hope that you are will to consider our request. Changes have been made to ensure that this situation does not happen again."

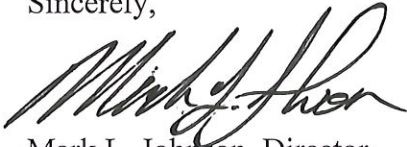
It is the company's responsibility to ensure that the regulatory fee is paid and the annual report is filed by the May 1 deadline. On February 28, 2017, Annual Report packets were sent to all regulated charter and excursion companies. The instructions page informs the regulated company that it must complete the annual report form and pay the regulatory fees, and return the materials by May 1, 2017, to avoid enforcement action.

The company filed their complete annual report on June 27, 2017 and the regulatory fee was paid on June 28.

The company has requested mitigation on the following basis: the company is small and had \$3,500 in annual profit; failure of email server (Yahoo) to deliver the courtesy email sent by the Commission; and previous compliance history. Staff will address these reasons in turn. As outlined in the penalty assessment, experiencing a financial hardship or failing to receive an annual report from from the Commission are not acceptable reasons for requesting mitigation. The Notice assessed a penalty of \$1,000. The Commission recognizes that this is the company's first violation of WAC 480-30-071 and 480-30-076 and accordingly, suspended \$750 of the assessed penalty on the condition that the company: file its complete annual report; pay the regulatory fee; and pay the unsuspended portion of the penalty. The company has met the first two conditions. The company filed the complete annual report and paid the regulatory fee. Staff does not believe that further mitigation is warranted. It is staff's recommendation that the Commission waive the \$750 portion of the suspended penalty and reaffirm the \$250 unsuspended portion of the penalty.

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,

A handwritten signature in black ink, appearing to read "Mark L. Johnson". The signature is fluid and cursive, with the first name "Mark" being the most prominent.

Mark L. Johnson, Director  
Administrative Services