

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment)	DOCKET TC-150981
Against)	
)	ORDER 01
STARS & STRIPES SHUTTLE)	
SERVICE, LLC)	ORDER DENYING REQUEST FOR
)	HEARING; DENYING CONTEST
in the amount of \$1,000)	OF VIOLATION; DENYING
.....)	MITIGATION

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 Stars & Stripes Shuttle Service, LLC (Stars & Stripes or Company) did not file an annual report on May 1, 2015, and had not made that filing May 15. On May 22, the Commission assessed a penalty of \$1,000 against Stars & Stripes, calculated as \$100 per business day from May 1 to May 15.
- 3 On June 5, 2015, Stars & Stripes filed an incomplete annual report, paid its regulatory fee, and partially paid the late payment penalty.
- 4 On June 8, 2015, Stars & Stripes responded to the Commission’s penalty assessment contesting the violations and requesting a hearing. The Company provided the following information: “My own fault, but I put on my calendar due by 5/31/15, not 5/1/15. When I received the email saying I was late I got the paperwork done.” On June 25, the Company completed its filing and paid the remainder due.

6 On June 29, 2015, Commission staff (Staff) filed a response recommending the Commission deny the Company's request for mitigation. Staff notes that Stars & Stripes late-filed its annual report in 2013, and presented no new or compelling information in its request for the Commission to consider.

DISCUSSION

7 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 have ensured its complete annual report was received by May 1.

8 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 missed the filing deadline and accepts responsibility for its error. The facts, therefore, are undisputed, and the law is clear. Accordingly, the Company's request for a hearing is denied.

9 The Commission also denies the Company's contest of the violations. In its request, the Company admits that the violations occurred.

10 Nor is mitigation of the penalty appropriate under these circumstances. The Commission may consider a number of factors when entertaining mitigation, including a company's history of compliance and the likelihood the violation will recur.¹ Stars & Stripes received and paid a \$50 reduced penalty in 2013 for a late-filed annual report. Moreover, the Company has not presented any new or compelling information that would warrant a penalty reduction. We find the \$1,000 penalty to be an appropriate incentive for the Company to ensure timely and complete filings in the future.

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

ORDER

THE COMMISSION ORDERS:

- 11 (1) Stars & Stripes Shuttle Service, LLC's request for a hearing is DENIED.
- 12 (2) Stars & Stripes Shuttle Service, LLC's contest of the violations is DENIED.
- 13 (3) Stars & Stripes Shuttle Service, LLC's request for mitigation is DENIED.
- 14 (4) The \$1,000 penalty is due and payable no later than July 10, 2015.
- 15 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 30, 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.