

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment)	DOCKET TE-151012
Against)	
)	ORDER 01
BUTLER TRANSPORTATION, LLC)	
)	ORDER GRANTING MITIGATION
in the amount of \$1,000)	TO \$250
.....)	

BACKGROUND

- 1 Washington law requires charter and excursion carriers 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 charter and excursion carriers. 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 Butler Transportation, LLC (Butler Transportation or Company) timely paid its regulatory fee but did not file its annual report on May 1, 2015, and had not made that filing by May 15. On June 9, the Commission assessed a penalty of \$1,000 against Butler Transportation, calculated as \$100 per business day from May 1 to May 15.
- 3 On June 10, 2015, Butler Transportation filed its annual report. On June 11, the Company responded to the Commission’s penalty assessment, admitting the violations and requesting mitigation based on the written information provided. The Company provided the following information: “I was under the impression that our bookkeeper was handling the filing of the report, in turn she thought I was filing it. As soon as I received notice that the report was not filed, I had our bookkeeper complete the reports online that same day.”
- 4 On June 24, 2015, Commission staff (Staff) filed a response recommending a penalty reduction to \$25 per day, or \$250, because the company timely paid its regulatory fees and has no prior violations of WAC 480-30-071.

DISCUSSION

5 WAC 480-30-071 requires charter and excursion carriers to file annual reports by May 1
of each year. Companies are responsible for complying with their legal obligations, and
the Company should have ensured its annual report was timely filed.

6 The Commission nevertheless agrees with Staff's recommendation. The Commission
may consider a number of factors when entertaining a request for mitigation, including a
company's history of compliance, whether the violation was promptly corrected, and the
likelihood the violation will recur.¹ This is Butler Transportation's first violation of WAC
480-30-071. The Company timely paid its regulatory fee, and has since filed its annual
report. In addition, the Company has been regulated since 2009; given its history of
compliance, the violations are unlikely to recur. In light of these factors, the Commission
will exercise its discretion to reduce the penalty to \$250.

ORDER

THE COMMISSION ORDERS:

7 (1) Butler Transportation, LLC's request for mitigation of the \$1,000 penalty is
GRANTED in part, and the penalty is reduced to \$250.

8 (2) The penalty is due and payable no later than July 10, 2015.

9 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

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

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.