



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

August 7, 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. Cheney Care Foundation*

Commission Staff's Response to Application for Mitigation of Penalties TN-170579

Dear Mr. King:

On July 7, 2017, the Utilities and Transportation Commission issued a \$1,000 Penalty Assessment in Docket TN-170579 against Cheney Care Foundation for 10 violations of Washington Administrative Code (WAC 480-31-080), which requires non-profit special needs transportation companies to furnish annual reports and the regulatory fee to the commission no later than May 1 each year.

On July 19, 2017, Cheney Care Foundation wrote the commission requesting mitigation of penalties. In its mitigation request, Cheney Care Foundation does not dispute the violation occurred. The company states, "...the person who compiles the information did not compile it on an ongoing basis so when the time came to complete the report we had to go back over the whole year to gather the information. We are a small organization and I was dealing with other operational challenges that I haven't faced in my 30 years in the field. Please mitigate the fee and I will ensure the report will not be late again in the future."

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 non-profit special needs transportation 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 29, 2017 and the regulatory fee was paid on June 30, 2017.

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Cheney Care Foundation did not illustrate that they were unable to file their annual report and pay their regulatory fee due to circumstances beyond their control. Staff does not recommend mitigation nor a reduction of the penalty. However, in consideration of the important work that Cheney Care Foundation does for the community, staff believes that this penalty may create an unwanted impact on the services they offer. As such, Staff recommends that \$900 of the penalty be suspended on the condition the Company timely files its 2017 annual report and pays the associated regulatory fee by May 1, 2018 and pays the \$100 unsuspended portion of the penalty within 15 days of the Commission's order.

If you have any questions regarding this recommendation, please contact Sean Bennett, Regulatory Analyst, at (360) 664-1157, or sbennett@utc.wa.gov.

Sincerely,

/s/ Sean Bennett

Sean Bennett, Regulatory Analyst
Administrative Services