



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 11, 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. Ephrata Senior Center, Inc.*

Commission Staff's Response to Application for Mitigation of Penalties TN-170582

Dear Mr. King:

On July 7, 2017, the Utilities and Transportation Commission issued a \$1,000 Penalty Assessment in Docket TN-170582 against Ephrata Senior Center, Inc. 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 13, 2017, Ephrata Senior Center, Inc. wrote the commission indicating that they would like to contest the violation. However, in its request, Ephrata Senior Center, Inc. does not dispute the violation occurred and requests an abatement of the penalty. The company states, "...we are asking for abatement on the fine as we have had volunteer turnover at the Center this year and the notice was not passed on to the appropriate person to file the report on time."

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 paid the regulatory fee on July 13 and filed their complete annual report on August 9, 2017.

Ephrata Senior Center, Inc. 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

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Ephrata Senior Center, Inc. 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