

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Cancellation of the
Nonprofit Transportation Provider
Certificates Held by

THE EVANGELICAL LUTHERAN
GOOD SAMARITAN SOCIETY,

for Failure to File Annual Reports and
pay Regulatory Fees

DOCKET TN-240612

ORDER 01

CANCELLING CERTIFICATE

BACKGROUND

- 1 Nonprofit transportation providers regulated by the Washington Utilities and Transportation Commission (Commission) must file annual reports and pay regulatory fees annually pursuant to Revised Code of Washington (RCW) 81.04.080 and Washington Administrative Code (WAC) 480-31-080. Under the authority of RCW 81.04.080, and WAC 480-31-052(2), the Commission may cancel a nonprofit transportation provider's certificate for failure to file an annual report or pay a regulatory fee.
- 2 On October 3, 2024, the Commission served The Evangelical Lutheran Good Samaritan Society (Company) with a Notice of Intent to Cancel Nonprofit Transportation Provider Certificate and Opportunity to Request a Hearing (Notice) for failure to file a 2023 annual report and/or pay the 2024 regulatory fee.¹ The Notice informed the Company that the Commission would cancel the Company's certificate without further notice unless the Company came into full compliance or requested a hearing to demonstrate why its certificate should not be cancelled, within 30 days of the date the Notice was served.²
- 3 The Company did not submit a 2023 annual report or 2024 regulatory fee to the Commission and the Commission did not receive a request for hearing from the Company.

¹ The Evangelical Lutheran Good Samaritan Society holds authority to operate as a nonprofit transportation provider under certificate C001056.

² Under WAC 480-07-150(4), the Commission may serve documents electronically except where proof of service is required by law. The Commission's Final Order adopting changes to WAC 480-07 accepted Staff's position that electronic service is acceptable for commencing adjudicative proceedings against regulated companies. *See* General Order 588 – Final Adoption Order – WSR 17-06-051, Docket A-130355 ¶16 and Appendix A (March 2, 2017).

DISCUSSION AND DECISION

- 4 The Commission exercises its discretion to cancel the Company's nonprofit transportation provider certificate. The Commission's ultimate goal in any enforcement action is to ensure compliance with the statutes and rules that the Commission administers. Pursuant to RCW 81.04.080 and WAC 480-31-080, nonprofit transportation providers must submit annual reports and regulatory fees to the Commission by May 1 of each year. The Company did not make the requisite submissions. Accordingly, the Commission notified the Company that its certificate would be cancelled unless the Company attained compliance or requested a hearing within 30 days. The Company did not come into compliance or otherwise respond.
- 5 We find that the Company's failure to pay its regulatory fee is a willful violation of the laws and rules the Commission is charged with enforcing. WAC 480-31-052(2) provides that the Commission may cancel a certificate for cause, which includes failure to file an annual report or pay the required regulatory fee. The failure of the Company to pay the regulatory fee is cause to cancel the Company's certificate.

FINDINGS AND CONCLUSIONS

- 6 (1) The Commission is an agency of the state of Washington with the authority to regulate nonprofit transportation providers.
- 7 (2) The Company is a public service company as defined in RCW 81.04.010 and holds authority from the Commission to operate as a nonprofit transportation provider.
- 8 (3) On October 3, 2024, the Commission notified the Company that its certificate to operate as a nonprofit transportation provider would be cancelled if the Company failed to file an annual report and pay the regulatory fee within 30 days. The Commission also notified the Company that it could request a hearing to contest cancellation of its certificate.
- 9 (4) The Company has not filed an annual report or paid a regulatory fee, which was due May 1, 2024.
- 10 (5) The Commission provided notice of its intent to cancel the Company's certificate and notice of the opportunity for a hearing, but the Company did not request a hearing.
- 11 (6) Under WAC 480-31-052(2), the Commission may cancel a nonprofit transportation provider's certificate for cause, including failure to file an annual report or pay the required regulatory fee.

- 12 (7) The failure of the Company to file an annual report or pay the regulatory fee due May 1, 2024, constitutes cause to cancel its nonprofit transportation provider certificate.

ORDER

THE COMMISSION ORDERS:

- 13 (1) The nonprofit transportation provider certificate held by The Evangelical Lutheran Good Samaritan Society is cancelled effective on the date this Order is served.
- 14 (2) The Evangelical Lutheran Good Samaritan Society is directed to **cease** all operations associated with its nonprofit transportation provider certificate.
- 15 The Commission has delegated authority to the Administrative Law Director, or an administrative law judge the Administrative Law Director delegates, to enter this Order under WAC 480-07-917(5).

DATED at Lacey, Washington, and effective December 13, 2024.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ James E. Brown II
JAMES E. BROWN II
Director, Administrative Law Division

NOTICE TO PARTIES: This is an order delegated to the Administrative Law Director 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.