

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

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

ELMVIEW; MONROE COMMUNITY
SENIOR CENTER; AND SENIOR
SERVICES OF SNOHOMISH
COUNTY,

for Failure to File Annual Reports and
pay Regulatory Fees

DOCKET TN-220872

ORDER 01

CANCELLING CERTIFICATES

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 December 8, 2022, the Commission served ELMVIEW, Monroe Community Senior Center, and Senior Services of Snohomish County (collectively, the Companies; individually, Company) with a Notice of Intent to Cancel Nonprofit Transportation Provider Certificate and Opportunity to Request a Hearing (Notice) for failure to file 2021 annual reports and/or pay 2022 regulatory fees.¹ The Notice informed the Companies that the Commission would cancel each Company's certificate without further notice unless each Company filed its delinquent annual report and paid its delinquent regulatory fee, or requested a hearing to demonstrate why its certificate should not be cancelled within 30 days of the date the Notice was served.²

¹ ELMVIEW holds authority to operate as a nonprofit transportation provider under certificate C000876. Monroe Community Senior Center holds authority to operate as a nonprofit transportation provider under certificate NPC000987. Senior Services of Snohomish County holds authority to operate as a nonprofit transportation provider under certificate C000906.

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

3 None of the Companies submitted a 2021 annual report or 2022 regulatory fee to the Commission, and the Commission did not receive a request for hearing from any of the Companies.

DISCUSSION AND DECISION

4 The Commission exercises its discretion to cancel the Companies' nonprofit transportation provider certificates. 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 Companies did not make the requisite submissions. Accordingly, the Commission notified the Companies that their certificates would be cancelled unless the Companies attained compliance or requested a hearing within 30 days. The Companies did not come into compliance or otherwise respond.

5 We find that each Company's failure to file its annual report and 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 required regulatory fees. The failure of the Companies to file annual reports and pay regulatory fees is cause to cancel the Companies' certificates.

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 Companies are public service companies as defined in RCW 81.04.010 and hold authority from the Commission to operate as nonprofit transportation providers.
- 8 (3) On December 8, 2022, the Commission notified the Companies that their certificates to operate as nonprofit transportation providers would be cancelled if the Companies failed to file annual reports and pay regulatory fees within 30 days. The Commission also notified the Companies that they could request a hearing to contest cancellation of their certificates.

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).

- 9 (4) The Companies have not filed annual reports or paid regulatory fees, which were due May 1, 2022.
- 10 (5) The Commission provided notice of its intent to cancel the Companies' certificates and notice of the opportunity for a hearing, but the Companies 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 required regulatory fees.
- 12 (7) The failure of the Companies to file the annual reports and pay the regulatory fees due May 1, 2022, constitutes cause to cancel their nonprofit transportation provider certificates.

ORDER

THE COMMISSION ORDERS:

- 13 (1) The nonprofit transportation provider certificates held by ELMVIEW, Monroe Community Senior Center, and Senior Services of Snohomish County are cancelled effective on the date this Order is served.
- 14 (2) ELMVIEW, Monroe Community Senior Center, and Senior Services of Snohomish County are directed to **cease** all operations associated with their nonprofit transportation provider certificates.
- 16 The Commission has delegated authority to the Administrative Law Director, or an administrative law judge the Administrative Law Director delegates, to enter this Order WAC 480-07-917(5).

DATED at Olympia, Washington, and effective March 15, 2023.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Rayne Pearson
RAYNE PEARSON
Administrative Law Director

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.