

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment) DOCKET TN-141039
Against)
) ORDER 01
COUNCIL ON AGING & HUMAN)
SERVICES) ORDER GRANTING
) MITIGATION TO \$100
in the amount of \$1,000)
.....

BACKGROUND

- 1 Washington law requires private, nonprofit transportation providers to file annual reports and pay regulatory fees by May 1 of each year. WAC 480-31-080. On February 28, 2014, the Washington Utilities and Transportation Commission (Commission) mailed annual report and regulatory fee packets to all regulated private, nonprofit transportation providers. The forms included a reminder that companies must file their annual reports and pay their regulatory fees by May 1, 2014, 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 Council on Aging & Human Services did not file its annual report on May 1, 2014, and had not made that filing by May 15. On May 23, the Commission assessed a penalty of \$1,000 against Council on Aging & Human Services, calculated as \$100 per business day from May 1 to May 15.
- 3 On May 28, 2014, Council on Aging & Human Services filed its annual report and paid its regulatory fee. On June 2, the Company responded to the Commission’s penalty assessment admitting the violations and requesting mitigation of the penalty based on the written information provided. The Company explained that the annual report paperwork did not reach the appropriate person, and was therefore overlooked. The Company also stated the penalty would create a financial hardship, and assured compliance going forward.

- 4 On June 16, 2014, Commission Staff (Staff) filed a response recommending the Commission reduce the penalty to \$100. Staff noted that the Company has no prior violations of WAC 480-31-080.

DISCUSSION

- 5 WAC 480-31-080 requires private, nonprofit transportation providers to file annual reports and pay regulatory fees by May 1 of each year. Companies are responsible for complying with their legal obligations. The Company should have been aware of the need to file an annual report, and should not rely on receipt of Commission mailings to ensure compliance.
- 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. Here, the Company has been active since 2007, and has no previous violations of WAC 480-31-080. Additionally, the Company has since filed its annual report and provided assurances of future compliance. Finally, the Company stated that the penalty would create a financial hardship. The Commission's goal is to obtain compliance, not create an insurmountable financial burden for a small company. In light of these factors, the Commission will exercise its discretion to reduce the penalty to \$100.

ORDER

THE COMMISSION ORDERS:

- 7 (1) The request of Council on Aging & Human Services for mitigation of the \$1,000 penalty is GRANTED in part, and the penalty is reduced to \$100.
- 8 (2) The penalty is due and payable no later than August 18, 2014.

- 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 August 4, 2014.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING
Executive Director and Secretary

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. The Commission will grant a late-filed request for review only on a showing of good cause, including a satisfactory explanation of why the person did not timely file the request. A form for late-filed requests is available on the Commission's website.