

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment	)	DOCKET TC-150980
Against	)	
	)	ORDER 01
ROCKET TRANSPORTATION LLC	)	
	)	ORDER DENYING REQUEST FOR
in the amount of \$1,000	)	HEARING; DENYING CONTEST
	)	OF VIOLATION; DENYING
	)	MITIGATION
.....	)	

**BACKGROUND**

- 1 Washington law requires auto transportation companies to file annual reports and pay regulatory fees by May 1 of each year. WAC 480-30-071. On February 27, 2015, the Washington Utilities and Transportation Commission (Commission) mailed annual report and regulatory fee packets to all auto transportation companies. The forms included a reminder that companies must file their annual reports and pay their regulatory fees by May 1, 2015, 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 Rocket Transportation LLC (Rocket Transportation or Company) filed an incomplete annual report on April 29, 2015. On May 11, Rocket Transportation corrected the first of three deficiencies. On May 22, the Commission assessed a penalty of \$1,000 against Rocket Transportation, calculated as \$100 per business day from May 1 to May 15. The Company corrected the second of three deficiencies on May 27.
- 3 On June 2, 2015, Rocket Transportation responded to the Commission’s penalty assessment contesting the violations and requesting a hearing. The Company provided the following information: “Balance Sheet was returned May 10<sup>th</sup>, 2015. Fuel amounts are not available just as they were not available last year. We will work on this with our fuel provider.”
- 4 On June 15, 2015, Commission Staff (Staff) filed a response recommending the Commission deny the Company’s request for mitigation. Staff notes that Rocket Transportation late-filed its annual report in 2014, at that time operating under the name “Rocket Enterprises, LLC.” Staff also notes that the Commission accepted an incomplete report from Rocket Transportation in 2014 because the Company’s fuel provider went out

of business. Rocket Transportation is aware of the requirement to provide fuel statistics, however, and should, at a minimum, have statistics for the time period between February 2014, when the former fuel provider went of business, and December 2014.

### **DISCUSSION**

- 5 WAC 480-30-071 requires auto transportation companies to file annual reports and pay regulatory fees by May 1 of each year. Companies are responsible for complying with their legal obligations, and the Company should have ensured its complete annual report was received by May 1. Moreover, the Company was advised in 2014 that it must submit fuel statistics.
- 6 As a preliminary matter, we deny the Company's request for a hearing. The Commission's penalty assessment advised the Company that a request for hearing will only be granted if material issues of law or fact require consideration of evidence and resolution in hearing. Here, no issues of law or fact are in dispute. The Company admits that its annual report was both filed incomplete and remains incomplete. The facts, therefore, are undisputed, and the law is clear. Accordingly, the Company's request for a hearing is denied.
- 7 The Commission also denies the Company's contest of the violations. The undisputed facts demonstrate that, as of June 15, 2015, the Commission has not received the Company's completed annual report. Because Rocket Transportation submitted an incomplete annual report and has corrected only two of three deficiencies to date, the Company has violated the law.
- 8 Nor is mitigation of the penalty appropriate under these circumstances. The Commission may consider a number of factors when entertaining mitigation, including a company's history of compliance and the likelihood the violation will recur.<sup>1</sup> Rocket Transportation received and paid a \$200 reduced penalty in 2014 for a late-filed annual report. The Company was advised in 2014 that it must include fuel statistics on its annual report form, but, has so far failed to provide that information in 2015. We find the \$1,000 penalty is an appropriate incentive for the Company to complete its 2015 filing and to ensure timely and complete filings in the future.

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<sup>1</sup> Docket A-120061, Enforcement Policy for the Washington Utilities and Transportation Commission (January 7, 2013).

**ORDER**

THE COMMISSION ORDERS:

- 9 (1) Rocket Transportation LLC's request for a hearing is DENIED.
- 10 (2) Rocket Transportation LLC's contest of the violations is DENIED.
- 11 (3) Rocket Transportation LLC's request for mitigation is DENIED.
- 12 (4) The \$1,000 penalty is due and payable no later than June 29, 2015.
- 13 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 June 17, 2015.

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.**