

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment)	DOCKET TE-151022
Against)	
)	ORDER 01
JOHN FELIX d/b/a CUSTOM J'Z)	
AUTORIDE)	ORDER GRANTING MITIGATION
)	TO \$250
in the amount of \$1,000)	
.....)	

BACKGROUND

- 1 Washington law requires charter and excursion carriers 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 charter and excursion carriers. 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 John Felix d/b/a Custom J'Z Autoride (Custom J'Z Autoride or Company) timely paid its regulatory fee but did not file its annual report on May 1, 2015, and had not made that filing by May 15. On June 9, the Commission assessed a penalty of \$1,000 against Custom J'Z Autoride, calculated as \$100 per business day from May 1 to May 15.
- 3 On June 15, Custom J'Z Autoride responded to the Commission's penalty assessment, admitting the violations and requesting mitigation based on the written information provided. The Company explained that it believed it had completed its annual reporting requirements when it paid its regulatory fee, and was not aware until it received the penalty assessment that its filing was incomplete. The Company accepted responsibility for the violations, but believes the penalty is excessive. To date, the Company has not filed its annual report.
- 4 On June 26, 2015, Commission staff (Staff) filed a response recommending a penalty reduction to \$25 per day, or \$250, contingent on the Company filing its annual report,

because the company timely paid its regulatory fee and has no prior violations of WAC 480-30-071. Staff also noted that it provided the Company with an annual report form via email on June 26.

DISCUSSION

5 WAC 480-30-071 requires charter and excursion carriers to file annual reports by May 1 of each year. Companies are responsible for complying with their legal obligations, and the Company should have ensured its annual report was timely filed.

6 The Commission nevertheless agrees with Staff's recommendation. The Commission may consider a number of factors when entertaining a request for mitigation, including whether the violation was promptly corrected and the likelihood the violation will recur.¹ Although Custom J'Z Autoride has not yet corrected the violations, Staff provided the Company with the appropriate form via email and expects the Company will comply. Because we have granted mitigation to similarly situated companies in their first year of operation, the Commission will exercise its discretion to reduce the penalty to \$250 conditioned on the Company filing its complete annual report no later than ten days from the date of this order. If the Company fails to file a complete annual report by that date, the remaining \$750 penalty will immediately become due and payable without further action by the Commission.

ORDER

THE COMMISSION ORDERS:

- 7 (1) John Felix d/b/a Custom J'Z Autoride's request for mitigation of the \$1,000 penalty is GRANTED in part, and the penalty is reduced to \$250 conditioned on John Felix d/b/a Custom J'Z Autoride filing a complete annual report no later than July 10, 2015. If John Felix d/b/a Custom J'Z Autoride fails to complete its filing by that date, the remaining \$750 penalty will become due and payable on July 11, 2015, without further action by the Commission.
- 8 (2) The \$250 penalty is due and payable no later than July 10, 2015.

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

- 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 June 30, 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.