

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment)	DOCKET TE-151042
Against)	
)	ORDER 01
RAINIER SHUTTLE SERVICES, LLC)	
)	ORDER GRANTING MITIGATION
in the amount of \$1,000)	TO \$250
.....)	

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 Rainier Shuttle Services, LLC (Rainier Shuttle or Company) did not file its annual report on May 1, 2015, and had not made that filing by May 15. On June 10, the Commission assessed a penalty of \$1,000 against Rainier Shuttle, calculated as \$100 per business day from May 1 to May 15.
- 3 On June 17, 2015, Rainier Shuttle responded to the Commission’s penalty assessment, admitting the violations and requesting mitigation based on the written information provided. The Company explained that it did not file an annual report because it had no activity to report. On June 18, the Company filed its annual report and paid its regulatory and late payment fees.
- 4 On July 13, 2015, Commission staff (Staff) filed a response recommending a penalty reduction to \$25 per day, or \$250, because the Company began operating in 2014 and therefore has no prior violations of WAC 480-30-071.

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 as long as Rainier Shuttle is permitted by the Commission, it must file an annual report regardless of whether it conducts any regulated business.

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 Rainier Shuttle has since come into compliance by filing its annual report and paying its regulatory and late payment fees. 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.

ORDER

THE COMMISSION ORDERS:

7 (1) Rainier Shuttle Services, LLC's request for mitigation of the \$1,000 penalty is GRANTED in part, and the penalty is reduced to \$250.

8 (2) The \$250 penalty is due and payable no later than July 31, 2015.

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 July 21, 2015.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING
Executive Director and Secretary

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

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.