

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment
Against

FOUR PARK AVENUE, LLC

in the amount of \$900

DOCKET TE-160700

ORDER 01

ORDER GRANTING MITIGATION

BACKGROUND

- 1 On February 29, 2016, the Washington Utilities and Transportation Commission (Commission) mailed annual report and regulatory fee forms to all charter and excursion carriers. The forms included a reminder that companies must file their annual reports and pay their regulatory fees by Monday, May 2, 2016, 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 Four Park Avenue, LLC (FPA or Company) filed an incomplete annual report on May 4, 2016, and did not make a complete filing until May 13. On June 21, the Commission assessed a penalty of \$900 against FPA, calculated as \$100 per business day from May 2 to May 12.
- 3 On July 1, 2016, FPA responded to the Commission's penalty assessment and requested mitigation based on the written information provided. The Company explained that it submitted its annual report and paid its regulatory fee prior to the deadline, but inadvertently omitted vehicle mileage and vehicle identification numbers from its annual report form.
- 4 On July 15, 2016, Commission staff (Staff) filed a response recommending the Commission grant the Company's request for mitigation because the Company attempted to file its annual report before the deadline, has since corrected the violations, and 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, or the first business day thereafter. Companies are responsible for

complying with their legal obligations, and the Company should have ensured its report was complete when it was originally 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, a company’s history of compliance, and the likelihood the violation will recur.¹ Here, FPA made a good faith effort to file its annual report by the due date, and has since corrected the violation by filing a complete report prior to receiving the penalty assessment. In addition, this is the Company’s first violation of WAC 480-30-071 since it became regulated in 2014. Although the Company has a relatively brief history of compliance, the Commission will exercise its discretion to grant full mitigation of the penalty in light of the circumstances.

ORDER

THE COMMISSION ORDERS:

- 7 (1) Four Park Avenue, LLC’s request for mitigation of the \$900 penalty is
GRANTED.
- 8 (2) No penalty is due.
- 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 5, 2016.

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.