

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment  
Against

SCENIC BOUND TOURS CO.

in the amount of \$1,000

DOCKET TE-160726

ORDER 01

ORDER GRANTING MITIGATION TO \$250

**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 Scenic Bound Tours Co. (SBTC or Company) did not file its annual report on May 2, 2016, and had not made that filing by May 16. On June 22, the Commission assessed a penalty of \$1,000 against SBTC, calculated as \$100 per business day from May 2 to May 16.
- 3 On July 11, 2016, SBTC filed a complete annual report and paid the required regulatory fee. On July 12, SBTC responded to the Commission's penalty assessment, admitting the violations and requesting mitigation based on the written information provided. In its response, the Company states, "I apologize for the delay in filing. I did not receive the notice due to lack of communication with the employee who checks our P.O. Box. The moment I found out about the late notice, I e-filed. On July 11, 2016, I reached out to Sean Bennett to ensure I was doing diligence in changing our address so this won't happen again. SBTC has been in business for 25 years and we work hard to ensure we are compliant."
- 4 On July 26, 2016, Commission staff (Staff) filed a response recommending a penalty reduction to \$25 per day, or \$250, because the Company has been active since 2001 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 not rely on reminders  
from the Commission 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  
whether the violation was promptly corrected, a company's history of compliance, and  
the likelihood the violation will recur.<sup>1</sup> Here, SBTC has corrected the violation by filing  
its annual report and paying its regulatory fee. In addition, this is the Company's first  
violation of WAC 480-30-071 since it became regulated in 2001. Given the Company's  
extensive history of compliance, the violations are unlikely to recur. In light of these  
factors, the Commission will exercise its discretion to reduce the penalty to \$250.

**ORDER**

THE COMMISSION ORDERS:

7 (1) Scenic Bound Tours Co.'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 August 26, 2016.

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 12, 2016.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING  
Executive Director and Secretary

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<sup>1</sup> 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.**