

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment
Against

SPOKANE WINERY TOURS, LLC

in the amount of \$1,000

DOCKET TE-160729

ORDER 01

ORDER GRANTING MITIGATION ON
CONDITION OF COMPLIANCE

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 Spokane Winery Tours, LLC (Spokane Winery Tours or Company) did not file its annual report by May 2, 2016, and had not made that filing by May 16. On June 22, the Commission assessed a penalty of \$1,000 against Spokane Winery Tours, calculated as \$100 per business day from May 2 to May 16.
- 3 On July 27, 2016, Spokane Winery Tours responded to the Commission's penalty assessment, admitting the violations and requesting mitigation based on the written information provided. The Company explained that its owners have experienced extreme hardship since their home burned down in November 2015 and all of the paperwork related to its business was consequently destroyed. In its response, the Company states, "our family, including four young children, became homeless in an instant and ... we focused on finding suitable living quarters for our special needs child ... We have since found permanent housing and have worked diligently on creating an environment for our children to feel safe and secure. This above all else is a parent's first priority. However, to do this we allowed other priorities to fall second, and as such, the business of Spokane Winery Tours was not handled with true professionalism and attention."

4 On August 4, 2016, Commission staff (Staff) filed a response recommending a penalty reduction to \$25 per day, or \$250, conditioned on the Company filing a complete annual report and paying the required regulatory fees by August 31, 2016. Although the Company received and paid a \$1,000 penalty for violations of WAC 480-30-071 in 2015, Staff supports a reduced penalty due to the hardship the Company's owners faced in the past year.

DISCUSSION

5 WAC 480-30-071 requires charter and excursion carriers to file annual reports and pay regulatory fees 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 filed by the deadline.

6 The Commission will nevertheless exercise its discretion to grant the Company's request for mitigation. Although the Company received and paid a \$1,000 penalty for violations of WAC 480-30-071 in 2015, the Company introduced new information related to an extreme and unforeseen hardship faced by the Company's owners and their young children. Accordingly, the Commission will grant full mitigation of the penalty conditioned on the Company filing its complete annual report and paying its regulatory and late payment fees no later than August 31, 2016. If the Company fails to file a complete annual report and pay its regulatory and late payment fees by that date, the \$1,000 penalty will immediately become due and payable without further action by the Commission.

ORDER

THE COMMISSION ORDERS:

7 (1) Spokane Winery Tours, LLC's request for mitigation is GRANTED, conditioned on Spokane Winery Tours, LLC filing a complete annual report and paying its regulatory and late payment fees no later than August 31, 2016.

8 (2) If Spokane Winery Tours, LLC fails to complete its filing and pay its regulatory and late payment fees by August 31, 2016, the \$1,000 penalty will become due and payable on September 1, 2016, without further action by the Commission.

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

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.