



STATE OF WASHINGTON

UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250

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July 19, 2017

Steven V. King, Executive Director and Secretary
Utilities and Transportation Commission
1300 S. Evergreen Park Dr. SW
P.O. Box 47250
Olympia, WA 98504-7250

RE: *Washington Utilities and Transportation Commission v. Exploration Coach Lines LLC*

Commission Staff's Response to Request for Hearing TE-170615

Dear Mr. King:

On June 20, 2017, the Utilities and Transportation Commission issued a \$1,000 Penalty Assessment in Docket TE-170615 against Exploration Coach Lines LLC for 10 violations of Washington Administrative Code (WAC 480-30-071 and 480-30-076), which requires charter and excursion companies to furnish annual reports and the regulatory fee to the commission no later than May 1 each year.

On July 5, 2017, Exploration Coach Lines LLC wrote the commission requesting a hearing disputing the violation occurred. In its hearing request, the company states, "...I proceeded to the link provided by the UTC and managed to print and fill out the forms. Not being very computer literate, I reached out to Mr. Bennett on how to upload the files to the site. I explained I was being called to Alaska with short notice and was attempting to make sure all was in order before departing. Mr. Bennett said to email directly to him and he would make sure it went in. On April 27th (see attached copies of the email) the report was sent to Mr. Bennett's email address above. It was from Exploration Coach Lines LLL and inside is stated "2016 annual report"." Exploration Coach Lines LLC ultimately writes that it is Staff's responsibility to reach out to a company if the company provides an incomplete annual report. Upon receipt of the email sent (April 27 and enclosed) by Exploration Coach Lines LLC, Commission Staff failed to act on the email which is an acknowledgement that the annual report was filed and received.

Exploration Coach Lines LLC provided a copy of the Annual Report courtesy reminder that was sent by the Commission on February 28. The company also provided an email that says "2016 Annual Report", this email was sent by Exploration Coach Lines LLC on April 27, 2017 to sbnettt@utc.wa.gov. Additionally, the email does not contain an attachment.

It is the company's responsibility to ensure that the regulatory fee is paid and the annual report is filed by the May 1 deadline. On February 28, 2017, Annual Report packets were sent to all regulated charter and excursion companies. The instructions page informs the regulated company that it must complete the annual report form and pay the regulatory fees, and return the materials by May 1, 2017, to avoid enforcement action.

The company attempted to send the annual report to Commission Staff via email to sbennett@utc.wa.gov. Both the Annual Report courtesy reminder sent out on February 28 and the annual report indicate that any questions concerning the annual report process should be sent to sbennett@utc.wa.gov. Unfortunately, the company did not send the annual report to the Commission. Staff agrees that it is Staff's responsibility to reach out to a company when a company files an incomplete report. In this case, a report was not filed with the Commission and there is no report or submission that would prompt Staff to contact the company. It is the responsibility of the company to file the annual report by May 1. Exploration Coach Lines LLC paid the regulatory fee on May 31 and filed the complete annual report on June 5.

There are no material issues of law or fact. Staff does not support the company's request for hearing as commission staff did not receive an annual report prior to the May 1 deadline and it is the company's responsibility to file a complete and accurate annual report. The Commission will only grant mitigation if the violations occurred due to circumstances beyond the company's control. Exploration Coach Lines LLC did not illustrate that they were unable to file their annual report and pay their regulatory fee due to circumstances beyond their control. Staff does not recommend mitigation nor a reduction of the penalty.

If you have any questions regarding this recommendation, please contact Sean Bennett, Regulatory Analyst, at (360) 664-1157, or sbennett@utc.wa.gov.

Sincerely,



Mark L. Johnson, Director
Administrative Services