



STATE OF WASHINGTON

UTILITIES AND TRANSPORTATION COMMISSION

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

(360) 664-1160 • TTY (360) 586-8203

July 31, 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. Tyson Glawe LLC*

Commission Staff's Response to Application for Mitigation of Penalties TE-170653

Dear Mr. King:

On June 21, 2017, the Utilities and Transportation Commission issued a \$1,000 Penalty Assessment in Docket TE-170653 against Tyson Glawe 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 10, 2017, Tyson Glawe LLC wrote the commission requesting mitigation of penalties. In its mitigation request, Tyson Glawe LLC does not dispute the violation occurred. The company states, "...I am asking for a reduction in the penalty due to the following reasons: 1 – As I was selected for a safety compliance review Monday, April 3rd, there is a good amount of paperwork involved in getting ready for a review. 2 – I was issued a reminder from USDOT to complete my Biennial update before April 30, 2017. (Very similar to the WUTC report) 3 – I am recently a 1st time father as of April 13, 2017. There is quite a bit of prep work before and after the birth of a new child." Tyson Glawe LLC then states that they did receive the courtesy reminder on February 28 but that for a small business, a \$1,000 penalty is a significant amount of money and any reduction of fines would be much appreciated.

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.

UTC Annual Reports

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The company filed their complete annual report and paid the regulatory fee on July 3, 2017. Tyson Glawe LLC filed the annual report late in 2014 and in 2015.

The Commission will only grant mitigation if the violations occurred due to circumstances beyond the company's control. Tyson Glawe 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,

/s/ Sean Bennett

Sean Bennett, Regulatory Analyst
Administrative Services