

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment	)	DOCKET TE-130195
Against	)	
	)	ORDER 01
JUDY DILLARD	)	
DILLARD-LEWIS, INC.	)	ORDER DENYING MITIGATION
	)	
in the amount of \$225	)	
.....	)	

- 1 **Penalty.** On March 4, 2013, the Washington Utilities and Transportation Commission (Commission) assessed a penalty in Docket TE-130195 in the amount of \$225 against Dillard-Lewis, Inc. (Dillard-Lewis or Company), for violations of Washington Administrative Code (WAC) 480-30-071, which requires charter and excursion companies to file annual safety reports on December 31 of each year and WAC 480-30-076, which requires such companies to pay regulatory fees annually on that same date.
  
- 2 The Commission alleged that Dillard-Lewis violated these rules by failing to timely file its required annual safety report and regulatory fees. The Commission allowed a grace period of one week, until January 7, 2013, without imposing penalties, and then sent out a reminder letter to the Company again requesting it file the report and pay its regulatory fees. The Commission’s letter noted that penalties of \$100 per day could be imposed, but that if the Company complied on or before January 18, 2013, it would reduce the penalty rate to \$25 per day. The Commission’s letter also advised that companies could request an extension of time for filing their safety reports.
  
- 3 Dillard-Lewis filed its annual safety report and paid its regulatory fees on Friday, January 18, 2013. Accordingly, the Commission imposed a penalty of \$25 per day per violation, for a total penalty of \$225.
  
- 4 **Mitigation Request.** On March 13, 2013, Dillard-Lewis responded to the Commission, admitting the violations but seeking to have the penalty reduced. The Company claims that the Commission’s deadline of December 31 makes it impossible to accurately complete the safety report because the Company’s vehicles operate until

the end of the day on December 31. Dillard-Lewis further explained that this year's report was also delayed due to a computer virus infection. The Commission received the mitigation request on March 18, 2013.

- 5     **Commission Staff Opposition to Mitigation.** Commission Staff (Staff) filed a Response on March 25, 2013, opposing the Company's request for mitigation. Staff notes that Dillard-Lewis could have asked for an extension of the report filing deadline but failed to do so. Staff also notes that the Commission has already reduced the daily penalty from \$100 to \$25 and asks that the company's request for further mitigation be denied.
- 6     **Commission Decision.** The Commission denies Dillard-Lewis' request for mitigation. We recognize that some charter and excursion companies continue their operations until the very last day of the calendar year, making it difficult for them to complete and file an accurate safety report with the Commission on December 31. Nevertheless, our rules allow companies to pay their regulatory fees on time and request an extension of this deadline for filing the associated annual safety report. Dillard-Lewis did not request an extension. Further, the other reasons provided by the Company for its late filing do not justify further mitigation of the penalty.
- 7     The original \$225 penalty will not be reduced. That penalty is due and payable no later than April 15, 2013.
- 8     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 March 27, 2013.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING  
Acting Executive Director and Secretary

**NOTICE TO PARTIES:** This is an order delegated to the Executive Secretary for decision. Under WAC 480-07-904(3), you may seek Commission review of this decision. In addition to serving you a copy of the decision, the Commission will post on its Internet Web site for at least 14 days a listing of all matters delegated to the Executive Secretary for decision under WAC 480-07-904(1). You must file a request for Commission review of this order no later than fourteen (14) days after the date the decision is posted on the Commission's Web site. The Commission will schedule your request for review for consideration at a regularly scheduled open meeting. The Commission will notify you of the time and place of the open meeting at which the Commission will review the order.

The Commission will grant a late-filed request for review only on a showing of good cause, including a satisfactory explanation of why the person did not timely file the request. A form for late-filed requests is available on the Commission's Web site.