

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment	)	DOCKET TE-130214
Against	)	
	)	ORDER 01
SWIFTYSWIFT, LLC D/B/A	)	
SPOKANE PARTY BUS	)	ORDER DENYING MITIGATION
	)	
in the amount of \$75.00	)	
.....	)	

- 1 On January 7, 2013, the Washington Utilities and Transportation Commission (Commission) notified charter and excursion companies that had not yet filed their annual safety reports and paid their regulatory fees—due each year on December 31—that it would start imposing daily penalties as of January 7, 2013. WAC 480-30-071 and 480-30-076. SwiftySwift, LLC d/b/a/ Spokane Party Bus (SwiftySwift or Company) filed its annual report and paid its regulatory fee on January 10, 2013.
  
- 2 On March 5, 2013, the Commission notified SwiftySwift that the Commission was assessing a penalty against the Company in this docket because SwiftySwift filed its report and paid its fee three days late. The Commission stated that it would impose a mitigated penalty against SwiftySwift of \$25.00 per day, for a total penalty of \$75.00.
  
- 3 On March 13, 2013, SwiftySwift responded to the Commission, admitting the violation but seeking to have the penalty reduced. SwiftySwift states that while it received the Commission’s penalty notice on January 10, 2013, the penalty imposed began to accrue three days *before* SwiftySwift received the notice, and the Company had no prior notice that daily late charges would begin on January 7, 2013.
  
- 4 On March 20, 2013, Commission Staff (Staff) filed a response opposing the Company’s request for mitigation. Staff explains that on November 15, 2012, it mailed the 2012 annual safety report forms and 2013 regulatory packets to all charter and excursion companies operating in Washington, including SwiftySwift. The packet contained a letter from the Commission advising companies to file their annual reports and pay their fees before December 31, 2012, or risk incurring penalties and possible cancellation of their operating permits.

- 5 Staff observes that the Commission has already mitigated SwiftySwift's penalty by reducing it from the statutorily authorized amount of \$100 per day to \$25 per day, and by assessing the penalty for three days, rather than the full seven business days that the Company was late.
- 6 The Commission denies SwiftySwift's request for additional mitigation. The Company is or should be fully aware of the Commission's rules that require charter and excursion companies to file annual reports and pay regulatory fees by December 31 each year, and the Company received notice on November 15, 2012, that it would be subject to penalties if it failed to make the requisite filings by December 31, 2012. No further notice was required or necessary.
- 7 This is SwiftySwift's first failure to timely file its report and pay its annual fee, but the Commission has already considered that fact when it substantially reduced the potential penalty. The penalty amount provides a reasonable deterrent to overlooking future filing deadlines and encouragement for the Company to file reports and pay annual regulatory fees on time.
- 8 The original \$75.00 penalty will not be reduced. The penalty is due and payable no later than April 10, 2013.
- 9 The Acting 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 a listing of all matters delegated to the Executive Secretary for decision under WAC 480-07-904(1) on its website for at least 14 days. You must file a request for Commission review of this order no later than 14 days after the date the decision is posted on the Commission's website. 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 website.