

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment) DOCKET TN-130906
Against)
) ORDER 01
EAST COUNTY SENIOR CENTER)
) ORDER DENYING MITIGATION
in the amount of \$225)
.....)

BACKGROUND

- 1 Washington law requires non-profit bus companies to file annual reports and pay regulatory fees by May 1 of each year. WAC 480-31-080. On March 1, 2013, the Washington Utilities and Transportation Commission (Commission) mailed annual report and regulatory fee forms to all non-profit bus companies. The cover letter accompanying the forms reminded companies to file their annual reports and pay their regulatory fees by May 1, 2013, and detailed potential penalties companies faced if they failed to file by that date. The penalties include an assessment of \$100 for each violation of Commission rules, and in the case of continuing violations, each day’s continuance is a separate violation. RCW 81.04.405.
- 2 On May 10, 2013, the Commission notified East County Senior Center (East County or Company) that the Company’s annual fee and regulatory report were overdue, and that, as a consequence, East County had accrued a penalty of \$700. That notice further explained that the penalty would increase by \$100 per day for each business day that the Company failed to file the report and pay the fee. The notice stated that companies that filed no later than May 24, 2013, would receive mitigated penalties of \$25 per day.
- 3 East County filed its annual report and paid its regulatory fee on May 14, 2013. On July 29, 2013, the Commission assessed a mitigated penalty of \$225 against East County, calculated as \$25 per business day from May 1 to May 14.
- 4 On May 13, 2013, East County responded to the Commission’s penalty assessment, admitting the violation but seeking to have the penalty reduced to zero. East County states that the annual report and regulatory fee were late due to a filing error and reducing the penalty to zero is merited because historically, the Company has filed its report and paid its fee on time.

5 On September 3, 2013, Staff filed a response opposing the Company's request for mitigation. Staff observes that the Company is responsible for ensuring that the regulatory fee is paid and the annual report is filed by the May 1 deadline. The Commission already mitigated the penalty from \$100 per day to \$25 per day and the Company did not present any compelling information in support of further mitigation.

DISCUSSION

6 The Commission denies East County's request. The filing error the Company contends was responsible for the late filing and payment does not relieve East County of its regulatory obligations to timely file its annual report and pay its regulatory fee or excuse East County's failure to do so. The Commission, moreover, has already mitigated the maximum potential penalty to \$25 per business day based on the Company's filing and payment history. The circumstances East County describes warrant no further mitigation.

ORDER

7 THE COMMISSION ORDERS:

8 (1) The request of East County Senior Center for mitigation of the \$225 penalty is DENIED.

9 (2) The penalty is due and payable no later than December 20, 2013.

10 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 December 4, 2013.

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. 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.