

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment	)	DOCKET TE-141045
Against	)	
	)	ORDER 01
AGUILAR, JUAN	)	
	)	ORDER GRANTING
in the amount of \$1,000	)	MITIGATION TO \$200
.....	)	

**BACKGROUND**

- 1 Washington law requires charter and excursion carriers to file annual reports by May 1 of each year. WAC 480-30-071. On November 23, 2013, the Washington Utilities and Transportation Commission (Commission) mailed a letter to all charter and excursion carriers explaining that it recently adopted a rule changing the annual report due date for those carriers from December 31 to May 1. Regulatory fees remain due on December 31. On February 28, 2014, the Commission mailed annual report forms to all charter and excursion carriers. The forms included a reminder that companies must file their annual reports by May 1, 2014, or face penalties of \$100 for each violation of Commission rules. In the case of continuing violations, each day’s continuance is a separate violation. RCW 80.04.405.
  
- 2 Juan Aguilar timely paid its regulatory fee, but did not file its annual report on May 1, 2014, and had not made that filing by May 15. On May 23, the Commission assessed a penalty of \$1,000 against Juan Aguilar, calculated as \$100 per business day from May 1 to May 15.
  
- 3 On June 6, 2014, Juan Aguilar responded to the Commission’s penalty assessment admitting the violations and requesting mitigation of the penalty based on the written information provided. The Company explained that its filing was late because, as a new company filing for the first time, its owner is still in the process of learning all the relevant regulations and procedures. The Company also stated that it did not operate in 2013 and has no mileage to report.

- 4 On June 9, 2014, Juan Aguilar filed its annual report.
- 5 On June 16, 2014, Commission Staff (Staff) filed a response recommending a penalty reduction to \$200 because the Company timely paid its regulatory fee and has no prior violations of WAC 480-30-071.

### **DISCUSSION**

- 6 WAC 480-30-071 requires charter and excursion carriers to file annual reports by May 1 of each year. Companies are responsible for being aware of applicable Commission rules and complying with their legal obligations. Accordingly, the Company should have been aware of the need to file an annual report by May 1, particularly when the Commission sent forms and a reminder on February 28.
- 7 The Commission nevertheless agrees with Staff's recommendation. The Commission may consider a number of factors when entertaining a request for mitigation, including whether the violation was promptly corrected and the likelihood the violation will recur.<sup>1</sup> Here, the Company timely paid its regulatory fee, and has since filed its annual report. Because we have granted mitigation to similarly situated companies in their first year of operation, the Commission will exercise its discretion to reduce the penalty to \$200.

### **ORDER**

#### **THE COMMISSION ORDERS:**

- 8 (1) The request of Juan Aguilar for mitigation of the \$1,000 penalty is GRANTED in part, and the penalty is reduced to \$200.
- 9 (2) The penalty is due and payable no later than August 15, 2014.

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<sup>1</sup> Docket A-120061, Enforcement Policy for the Washington Utilities and Transportation Commission (January 7, 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 August 1, 2014.

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.**