

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment	)	DOCKET TE-141074
Against	)	
	)	ORDER 01
RIDE THE DUCKS OF SEATTLE,	)	
LLC	)	ORDER GRANTING
	)	MITIGATION TO \$200
in the amount of \$700	)	
.....	)	

**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 Ride the Ducks of Seattle timely paid its regulatory fee, but did not file its annual report on May 1, 2014. On May 27, the Commission assessed a penalty of \$700 against Ride the Ducks of Seattle, calculated as \$100 per business day from May 1 to May 12, the day the report was received.
  
- 3 On June 12, 2014, Ride the Ducks of Seattle 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 it took longer than expected to gather the additional financial information it needed to comply with the Commission’s new filing requirements. The Company also stated that because its director of finance and marketing is transitioning out of her role, it is difficult moving forward with new employees.

- 4 On June 26, 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. Staff also noted that the Commission recently adopted new rules requiring annual reports for charters and excursions to be filed by May 1, while the regulatory fees remain due on December 31.

### **DISCUSSION**

- 5 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. Moreover, the Company should have requested an extension if it required more time to gather its financial information or train new employees.
- 6 The Commission nevertheless agrees with Staff's recommendation. The Commission may consider a number of factors when entertaining a request for mitigation, including a company's history of compliance, whether the violation was promptly corrected, and the likelihood the violation will recur.<sup>1</sup> This is Ride the Ducks of Seattle's first violation of WAC 480-30-071. The Company timely paid its regulatory fee, and filed its annual report before it received a penalty. Additionally, the Company has been active since 1999, and the Commission recently adopted rules that changed the filing procedure for 2014; given the Company's history of compliance prior to the rule change, the violation is not likely to recur. Accordingly, the Commission will exercise its discretion to reduce the penalty to \$200.

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<sup>1</sup> Docket A-120061, Enforcement Policy for the Washington Utilities and Transportation Commission (January 7, 2013).

**ORDER**

THE COMMISSION ORDERS:

- 7 (1) The request of Ride the Ducks of Seattle, LLC for mitigation of the \$700  
penalty is GRANTED in part, and the penalty is reduced to \$200.
- 8 (2) The penalty is due and payable no later than July 31, 2014.
- 9 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 July 17, 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.