

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment)	DOCKET TN-150985
Against)	
)	ORDER 01
GREATER MAPLE VALLEY)	
COMMUNITY CENTER)	ORDER GRANTING MITIGATION
)	TO \$250
in the amount of \$1,000)	
.....)	

BACKGROUND

- 1 Washington law requires private, nonprofit transportation providers to file annual reports and pay regulatory fees by May 1 of each year. WAC 480-31-080. On February 27, 2015, the Washington Utilities and Transportation Commission (Commission) mailed annual report and regulatory fee packets to all regulated private, nonprofit transportation providers. The forms included a reminder that companies must file their annual reports and pay their regulatory fees by May 1, 2015, 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 Greater Maple Valley Community Center (GMVCC or Company) did not file its annual report on May 1, 2015, and had not made that filing by May 15. On May 21, the Commission assessed a penalty of \$1,000 against GMVCC, calculated as \$100 per business day from May 1 to May 15.
- 3 On May 27, 2015, GMVCC filed its annual report and paid its regulatory and late payment fees. On May 29, the Company 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 the employee previously responsible for completing and submitting its annual reports was laid off in September 2014, and the Executive Director overlooked the filing requirement. The Company provided assurances of future compliance, and requested the penalty be waived because of the Company’s history of timely filings.
- 4 On June 9, 2015, Commission Staff (Staff) filed a response recommending the Commission reduce the penalty to \$25 per day, or \$250. Staff noted that the Company has no prior violations of WAC 480-31-080.

DISCUSSION

5 WAC 480-31-080 requires private, nonprofit transportation providers to file annual reports and pay regulatory fees by May 1 of each year. Companies are responsible for complying with their legal obligations, and the Company should have ensured its annual report was timely filed, regardless of a reduction in force.

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. This is GMVCC's first violation of WAC 480-31-080, and the Company has since filed its annual report and paid its regulatory and late fees. In addition, the Company has been regulated since 2011; given its history of compliance and the circumstances that led to the late filing, the violation is not likely to recur. In light of these factors, the Commission will exercise its discretion to reduce the penalty to \$250.

ORDER

THE COMMISSION ORDERS:

7 (1) Greater Maple Valley Community Center's request for mitigation of the \$1,000 penalty is GRANTED in part, and the penalty is reduced to \$250.

8 (2) The penalty is due and payable no later than June 25, 2015.

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 June 15, 2015.

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.