

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment	)	DOCKET TN-150989
Against	)	
	)	ORDER 01
THE EVANGELICAL LUTHERAN	)	
GOOD SAMARITAN SOCIETY	)	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 The Evangelical Lutheran Good Samaritan Society (ELGSS 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 ELGSS, calculated as \$100 per business day from May 1 to May 15.
- 3 On May 29, 2015, ELGSS filed its annual report and paid its regulatory and late payment fees. That same day, 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 the employee responsible for completing and submitting the 2014 annual report was terminated on April 7, 2015, and that it believed the annual report was submitted prior to that date. The Company also stated that its new employee will be responsible for filing annual reports going forward, and requested the penalty be waived because of its significant financial impact.
- 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.

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**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 employee turnover.
- 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. Here, the Company has been active since 2005, and has no previous violations of WAC 480-31-080. Additionally, the Company has since filed its annual report and provided assurances of future compliance. Finally, the Company stated that the penalty would create a financial hardship. The Commission's goal is to obtain compliance, not create an insurmountable financial burden for a nonprofit company. In light of these factors, the Commission will exercise its discretion to reduce the penalty to \$250.

**ORDER**

**THE COMMISSION ORDERS:**

- 7 (1) The Evangelical Lutheran Good Samaritan Society'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.**