

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment)	DOCKET TE-151009
Against)	
)	ORDER 01
BHUPINDER SINGH BRAR d/b/a BRAR)	
AIRPORT TOWN CAR SERVICE)	ORDER DENYING REQUEST FOR
)	HEARING; GRANTING
in the amount of \$400)	MITIGATION TO \$100
.....)	

BACKGROUND

- 1 Washington law requires charter and excursion carriers to file annual reports and pay regulatory fees by May 1 of each year. WAC 480-30-071. On February 27, 2015, the Washington Utilities and Transportation Commission (Commission) mailed annual report and regulatory fee packets to all charter and excursion carriers. 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 Bhupinder Singh Brar d/b/a Brar Airport Town Car Service (Brar Airport Town Car or Company) late-filed its annual report on May 6, 2015. On June 8, the Commission assessed a penalty of \$400 against Brar Airport Town Car, calculated as \$100 per business day from May 1 to May 6.
- 3 On June 11, 2015, Brar Airport Town Car responded to the Commission’s penalty assessment. The Company contested the violations and requested a hearing. The Company provided the following information: “We filed the report on time but it was missing some information that we didn’t know. Soon as we got to know, we completed the information. We are very sorry.”
- 4 On June 25, 2015, Commission staff (Staff) filed a response recommending the Commission a reduced penalty of \$25 per day, or \$100, because the Company timely paid its regulatory fee and has no prior violations of WAC 480-30-071.

DISCUSSION

5 WAC 480-30-071 requires charter and excursion carriers 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 report was timely filed.

6 As a preliminary matter, we deny the Company's request for a hearing. The Commission's penalty assessment advised the Company that a request for hearing will only be granted if material issues of law or fact require consideration of evidence and resolution in hearing. Here, no issues of law or fact are in dispute. The Commission received the Company's completed annual report on May 6, 2015, and the Company acknowledged that its initial filing was incomplete. The facts, therefore, are undisputed, and the law is clear. Accordingly, the Company's request for a hearing is denied.

7 We will, however, construe the Company's submission as a request for mitigation and assess a reduced penalty. The Commission may consider a number of factors when entertaining a request for mitigation, including whether the violation was promptly corrected, a company's history of compliance, and the likelihood the violation will recur.¹ Here, Brar Airport Town Car timely paid its regulatory fee and has since filed its annual report. In addition, this is the Company's first violation of WAC 480-30-071 since it became regulated in 2012. Although the Company has a relatively brief history of compliance, we have routinely granted mitigation for first time violations. In light of these factors, the Commission will exercise its discretion to reduce the penalty to \$100.

ORDER

THE COMMISSION ORDERS:

- 8 (1) Bhupinder Singh Brar d/b/a Brar Airport Town Car Service's request for a hearing is DENIED.
- 9 (2) Bhupinder Singh Brar d/b/a Brar Airport Town Car Service's contest of the violations is DENIED.
- 10 (3) Bhupinder Singh Brar d/b/a Brar Airport Town Car Service's request for mitigation is GRANTED, in part, and the penalty is reduced to \$100.

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

11 (4) The \$100 penalty is due and payable no later than July 10, 2015.

12 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 30, 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.