

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment) DOCKET TE-151024
Against)
) ORDER 01
FUN WAY TO GO, LLC)
) ORDER GRANTING MITIGATION
in the amount of \$1,000) TO \$250
.....)

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 Fun Way To Go, LLC (Fun Way To Go or Company) did not file its annual report on May 1, 2015, and had not made that filing by May 15. On June 9, the Commission assessed a penalty of \$1,000 against Fun Way To Go, calculated as \$100 per business day from May 1 to May 15.
- 3 On May 26, Fun Way To Go filed its annual report. On June 22, the Company responded to the Commission’s penalty assessment, admitting the violations and requesting mitigation based on the written information provided. The Company explained that its part-time bookkeeper was out sick the third week of April and neglected to file the annual report. As soon as the Company became aware of the delinquency, it immediately filed its report.
- 4 On June 30, 2015, Commission staff (Staff) filed a response recommending a penalty reduction to \$25 per day, or \$250, because the Company paid its regulatory fees in January 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 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, regardless of its bookkeeper's absence.
- 6 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, a company's history of compliance, and the likelihood the violation will recur.¹ Here, Fun Way To Go paid its regulatory fee in January, and filed its annual report prior to receiving the penalty assessment. In addition, this is the Company's first violation of WAC 480-30-071 since it became regulated in 2013. 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 \$250.

ORDER

THE COMMISSION ORDERS:

- 7 (1) Fun Way To Go, LLC's request for mitigation of the \$1,000 penalty is GRANTED in part, and the penalty is reduced to \$250.
- 8 (2) The \$250 penalty is due and payable no later than July 13, 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 July 2, 2015.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING
Executive Director and Secretary

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

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.