

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment	)	DOCKET TE-151036
Against	)	
	)	ORDER 01
MONROE TRANSPORTATION, LTD.	)	
	)	ORDER DENYING REQUEST FOR
in the amount of \$1,000	)	HEARING; GRANTING
.....	)	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 Monroe Transportation, Ltd. (Monroe Transportation or Company) did not file its annual report on May 1, 2015, and had not made that filing by May 15. On June 10, the Commission assessed a penalty of \$1,000 against Monroe Transportation, calculated as \$100 per business day from May 1 to May 15.
- 3 On June 15, 2015, Monroe Transportation responded to the Commission’s penalty assessment, contesting the violations and requesting a hearing. The Company provided the following information with its request: “I emailed our annual report to Katie Hancock on 4/16/15 and have email to support this. Amy Andrews told me to email it to Katie.” The Company provided documentation showing that the annual report was submitted via email on April 16, 2015, to “khandcock@utc.wa.gov.”
- 4 On June 15, 2015, Monroe Transportation filed its annual report. The Company timely paid its regulatory fee on November 18, 2014.

5 On June 25, 2015, Commission staff (Staff) filed a response recommending the  
Commission assess a reduced penalty of \$25 per day, or \$250, because the Company has  
no prior violations of WAC 480-30-071. Staff explained that the Company's email  
submission on April 16 was made as the Company claims, but was sent to an incorrect  
email address. Staff notes that it provided the Company with the correct email address for  
Ms. Hancock, "khancock@utc.wa.gov," and that the Company's documentation shows  
this exchange.

### **DISCUSSION**

6 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 sent to the  
correct email address.

7 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 documentation  
submitted by the Company shows that Staff provided Ms. Hancock's correct email  
address, but that the Company sent its annual report to an incorrect email address. As a  
result, the Commission did not receive the Company's annual report until the second  
filing was made on June 15, 2015. The facts, therefore, are undisputed, and the law is  
clear. Accordingly, the Company's request for a hearing is denied.

8 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.<sup>1</sup>  
Monroe Transportation timely paid its regulatory fee and corrected the violation by  
resubmitting its annual report. In addition, this is the Company's first violation of WAC  
480-30-071 in more than 25 years of regulation; given the Company's extensive history  
of compliance, the violation is not likely to recur. Finally, the Company provided  
documentation that it did, in fact, make a good faith effort to file its report on April 16,

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

2015, well before the May 1 due date. In light of these factors, the Commission will exercise its discretion to assess a reduced penalty of \$10 per day, or \$100.

**ORDER**

THE COMMISSION ORDERS:

- 9 (1) Monroe Transportation, Ltd.'s request for a hearing is DENIED.
- 10 (2) Monroe Transportation, Ltd.'s request for mitigation is GRANTED, part, and the penalty is reduced to \$100.
- 11 (3) The \$100 penalty is due no later than July 13, 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 July 2, 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.**