

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment)	DOCKET TE-151041
Against)	
)	ORDER 01
PUGET EXPRESS, LLC)	
)	ORDER DENYING REQUEST FOR
)	HEARING; DENYING CONTEST
in the amount of \$1,000)	OF VIOLATION; DENYING
.....)	MITIGATION

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 Puget Express, LLC (Puget Express or Company) did not file an annual report on May 1, 2015, and had not made that filing May 15. On June 10, the Commission assessed a penalty of \$1,000 against Puget Express, calculated as \$100 per business day from May 1 to May 15.
- 3 On June 18, 2015, Puget Express responded to the Commission’s penalty assessment contesting the violations and requesting a hearing. The Company provided the following information: “I do believe I have filed my annual report with UTC and paid the fee as well and if the record [doesn’t] show, it must have gotten lost in the mail. I really wish there was a fax number to file with the UTC.”
- 4 On June 29, 2015, Commission staff (Staff) filed a response recommending the Commission deny the Company’s request for mitigation. Staff notes that Puget Express filed its annual report late in 2013, and has presented no new or compelling information. Staff also notes that as of June 26, 2015, Puget Express has not yet filed its annual report.

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 complete annual report was received by May 1.

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. As of June 26, 2015, the Commission has not yet received the Company's annual report. The facts, therefore, are undisputed, and the law is clear. Accordingly, the Company's request for a hearing is denied.

7 The Commission also denies the Company's contest of the violations. The undisputed facts demonstrate that, as of June 26, 2015, the Commission has not received the Company's annual report. Because Puget Express has not complied with the Commission's annual reporting requirements, the Company has violated the law.

8 Nor is mitigation of the penalty appropriate under these circumstances. The Commission may consider a number of factors when entertaining mitigation, including a company's history of compliance, whether the violation was promptly corrected, and the likelihood the violation will recur.¹ Puget Express received and paid a \$100 penalty in 2013 for violating the Commission's annual reporting requirements. Moreover, the Company has yet to come into compliance. Finally, the Company has not presented any new or compelling information that would warrant a penalty reduction. We find the \$1,000 penalty to be an appropriate incentive for the Company to ensure timely filings going forward.

ORDER

THE COMMISSION ORDERS:

- 9 (1) Puget Express, LLC's request for a hearing is DENIED.
- 10 (2) Puget Express, LLC's contest of the violations is DENIED.

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

- 11 (3) Puget Express, LLC's request for mitigation is DENIED.
- 12 (4) The \$1,000 penalty is due and payable no later than July 10, 2015.
- 13 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.