

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment Against	DOCKET TN-160661
BUCKLEY SENIOR CITIZENS, INC.	ORDER 01
in the amount of \$1,000	ORDER GRANTING MITIGATION TO \$100

BACKGROUND

- 1 On February 29, 2016, the Washington Utilities and Transportation Commission (Commission) mailed annual report and regulatory fee forms to all nonprofit transportation companies. The forms included a reminder that companies must file their annual reports and pay their regulatory fees by Monday, May 2, 2016, 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 Buckley Senior Citizens, Inc. (Buckley) did not file its annual report on May 2, 2016, and had not made that filing by May 16. On June 17, the Commission assessed a penalty of \$1,000 against Buckley, calculated as \$100 per business day from May 2 to May 16.
- 3 On June 24, 2016, Buckley responded to the Commission's penalty assessment, admitting the violations and requesting mitigation of the penalty based on the written information provided. In its response, Buckley stated, "my department has been in the midst of a fairly dramatic organizational change since the beginning of April 2016. At the beginning of April, my ... hours were cut to part-time. While rearranging my office space to accommodate our full-time activities coordinator, I misplaced this report. While reorganizing files in June, I came across this report (which I'd completed at the beginning of March, so was thinking I submitted electronically), but noticed there was no receipt attached to it."
- 4 On June 24, 2016, Mt. Si Senior Center filed a complete annual report.

5 On July 6, 2016, Commission staff (Staff) filed a response recommending a penalty
reduction to \$50 per day, or \$500, because the Company received and paid penalties in
2012 and 2013 for violations of WAC 480-30-080.

DISCUSSION

6 WAC 480-30-080 requires nonprofit transportation companies to file annual reports by
May 1 of each year, or the first business day thereafter. Companies are responsible for
complying with their legal obligations, and the Company should have ensured its report
was filed prior to the deadline.

7 The Commission will nevertheless exercise its discretion to assess a reduced penalty of
\$100 due to the circumstances presented here. 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 Although Buckley received and paid penalties for violations of WAC 480-30-
080 in 2012 and 2013, it has since corrected the violations at issue. Most notably,
Buckley's primary purpose is to provide a valuable service to a vulnerable population;
the imposition of a large penalty would only harm the people it serves. Assessing a
penalty for one violation of WAC 480-30-080 rather than a "per violation" penalty is
appropriate in light of the circumstances presented and Buckley's nonprofit status.

ORDER

THE COMMISSION ORDERS:

- 8 (1) Buckley's Senior Citizen, Inc.'s request for mitigation of the \$1,000 penalty is
GRANTED, in part, and the penalty is reduced to \$100.
- 9 (2) The \$100 penalty is due and payable no later than July 25, 2016.

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

10 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 11, 2016.

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.