

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment Against	DOCKET TN-160664
MT. SI SENIOR CENTER	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 Mt. Si Senior Center filed an incomplete annual report on April 15, 2016, and had not made a complete filing by May 16. On June 17, the Commission assessed a penalty of \$1,000 against Mt. Si Senior Center, calculated as \$100 per business day from May 2 to May 16.
- 3 On June 23, 2016, Mt. Si Senior Center responded to the Commission's penalty assessment, admitting the violations and requesting mitigation of the penalty based on the written information provided. Mt. Si Senior Center explained that it filed its annual report prior to the deadline, but forgot to include information related to its primary source of income. In addition, Mt. Si Senior Center states the penalty would have a devastating financial impact on the transportation service it provides to senior citizens in the Snoqualmie Valley. Mt. Si Senior Center further explained that its director runs a twenty-person office from the hallway of the Mt. Si Senior Center, its employees make very little money, and the program receives 99 percent of its funding from grants. Finally, Mt. Si Senior Center provided assurances of future compliance.

- 4 On June 23, 2016, Mt. Si Senior Center filed a complete annual report.
- 5 On July 1, 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 2015 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 complete when filed.
- 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 Mt. Si Senior Center received and paid penalties for violations of WAC 480-30-080 in 2012 and 2015, it has since corrected the violations at issue and provided assurances that it will comply going forward. Mt. Si Senior Center also made a good faith effort to file its annual report prior to the deadline. Most notably, Mt. Si Senior Center'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 Mt. Si Senior Center's nonprofit status.

ORDER

THE COMMISSION ORDERS:

- 8 (1) Mt. Si Senior Center'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.